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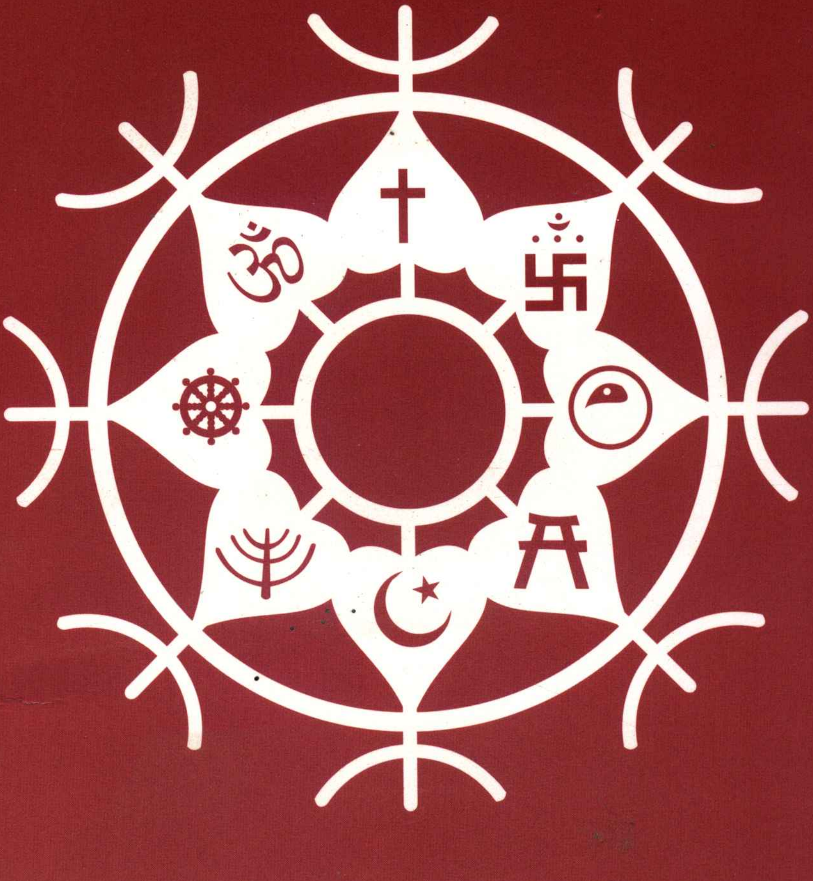

POLITICS AND ETHICS

July-September 2013 Vol. 38, No. 3

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Editorial

ETHICS IN POLITICS

Conflicts and Resolutions

Jose Nandhikkara

Politics is an essential aspect of human life – essential in building, governing, and developing societies and communities based on rules; it includes both theory and practice of legislating and executing rule of law for common good. In practice, politics refers to achieving, exercising and maintaining positions of power. Citizens, political leaders, parliamentarians, government executives, the judiciary, the media, business, nongovernmental organisations, and religious and educational institutions are involved in this complex fact of life and ethics is fundamental to all stakeholders in politics. Though personal morality may differ from political morality there cannot be any political decision without morality.

Traditionally, it was argued that the use of political power was only right if it was exercised by a ruler whose personal moral character was strictly virtuous; in this sense, Plato placed rule by a philosopher king as the ideal. Machiavelli and Chanakya, however, focused more on the acquisition and maintenance of power by a ruler rather than on the ethics of the ruler for, according to them, goodness does not ensure power and the good person has no more authority by virtue of being good; end justifies means. Political leaders may be required to commit acts that would be wrong if done by citizens; it is also required, however, that leaders meet higher standards than the ordinary citizens, who are increasingly disillusioned with their leaders and their ideologies whether they be religious or secular.

The relation between politics and ethics is a contested zone in the regular life of a polity, both in terms of the ethics of office and the ethics of policy. Individual citizens also battle out the relationship between their own sense of ethics and political duties imposed on them by the state sometimes based on a different set of ethics in their everyday life. Though political ethics extends from rulers to citizens, political ethics differs from the ethics of associations and businesses and the personal ethics of rulers. Personal and political ethics are distinct but closely interrelated. Important

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concerns of politics like justice, liberty, rights and duties, etc., are closely linked to the question of ethics.

Mahatma Gandhi considered politics without principle as perilous to humanity. The present day Indian and global politics, however, seem to be agreeing with the claim by Bernard Shaw that politics is the last resort of a scoundrel. People are losing faith in politics and ethics in politics appears to be a contradiction as more and more people are drawn to politics as an arena of investment to cater to their selfish interests rather than for serving common good. Though there is a profound scepticism regarding ethics in politics there is a thirst for ethics in politics: ethics can make a difference in politics.

To examine the complex interrelationships existing between politics and ethics, the Centre for the Study of World Religions, Dharmaram Vidya Kshetram, Bangalore, and Globethics.net India jointly organized a one-day workshop in collaboration with the School of Law, Christ University, Bangalore. This issue of the *Journal of Dharma* is the fruit of the workshop on "Politics and Ethics."

Purushottama Bilimoria, in his paper "The Politics of Secularization and Its Moral Discontents/Disenchantments," seeks to demonstrate how a political-philosophical idea became a worldwide movement, a driving ideology, that has had a formidably deconstructive impact on significant religious practices of societies wedded to traditional patterns of culture, law, and morality. This Enlightenment *epistemé* has also come increasingly under scrutiny, however, for its shortcomings in recognizing the moral basis of certain cultural patterns of religious predilections that people are increasingly not prepared to abandon altogether. From disenchantments (of the sacred and religion – moral proclivities in the public spheres, with some exemptions in the private sphere, such as 'Personal Law' in British India and colonial Turkey) we now have with the so-called 'return of religion in the western world' moved to a situation of discontentment with the rampant secularization of societies in the wake of modernity and decolonisation. After engaging with Charles Taylor's re-configuration of his challenging thesis of *secularity*, the paper moves to the Indian scenario and its confused handling of secularism in our post-colonial times.

Joshy V. Paramthottu continues the discussion in "Dialectics of Politics and Ethics in Gandhi and Taylor: Connections, Dilemmas, and Convergences." In his view, the relationship between politics and ethics takes new turns at the dawn of nation-states around the world. Independent nations are distancing themselves from their initial affinity to religions and ethical principles originating from such religions, to a secular entity proposing its own 'constitutional laws' for the wellbeing of their citizens. The paper analyzes the dilemma of 'secular politics and ethics' in their failure to meet the metaphysical aspirations of human self. Here, the demand for the justification of pluralism or multiculturalism is acknowledged. However, deep consciousness of one's 'religious identity' seems constantly challenging such 'plural assertions'. Reading Charles Taylor and re-reading Gandhi, the author sheds some lights on the importance and relevance of 'authentic politics' which, he argues, are inevitably intertwined with 'ethics' and 'religion'. This was true in the case of both Gandhi, who had an 'experiential approach' to religion, politics, and ethics, and Taylor, who had a 'theoretical approach' to the same spheres of life.

"The Shadow of Truth: Ethical Concerns in the Writings of Alexander Solzhenitsyn" by Arvind Radhakrishnan examines the contributions of the Russian writer and philosopher Alexander Solzhenitsyn to the understanding of the workings of totalitarianism. Solzhenitsyn wrote numerous works like *The First Circle*, *Cancer Ward*, and *The Gulag Archipalego*. Examining *One Day in the Life of Ivan Denisovich* the author probes the ethical concerns that Solzhenitsyn raises in this work, along with his deep understanding of human nature. The paper also seeks to compare Solzhenitsyn's views with that of thinkers like Jean Paul Sartre, Vaclav Havel, and Lev Tolstoy.

The welfare state is often considered the crown of democratic form of governance. The ethic and ideal of social welfare is, however, as old as the ancient civilisations. The scriptures of the major religious traditions of humanity are replete with references to the duty of the well off towards the poor and the vulnerable members of society and also to the vision of a just socio-economic order. However, when it comes to the means of realizing such a social order, there are two competing ethical paradigms, one calling for direct and maximal state involvement in welfare through the setting up of a publicly financed social security program, and the other arguing that the free market is the best mechanism for ensuring social justice. Today, we find ourselves in an era of global economic crisis and the question of a fiscally sustainable welfare state generates intense debate across the political spectrum. "Politics and Ethics of the Welfare State" by Cheriyan Alexander presents a historical overview and attempts an analysis of the ethical principles at play in this debate.

According to Davis Panadan, women's enhanced participation in governance structures is viewed as the key to redress gender inequalities in societies, especially in India. His article, "Gender Politics and Quota for Women in India," argues that the quota for women in the Panchayati Raj Institutions (PRI) in India strengthens the political empowerment of women, transforms the democracy and provides an answer to gender politics in India. A large scale reservation of seats for women in the local bodies and women's proactive participation in the management of the local affairs in the villages has enhanced their status and rights. It is further argued that reservation for women in PRI would contribute to the process and project of women's empowerment.

Professor James Massey in his essay provides ethical reflections on the "Politics and Ethics of Reservation in India" from a liberation paradigm of 'various subaltern groups of India' who are the victims of caste based social order of our society. Their victimization on the basis of caste has been perpetuated by religion on the one hand, and implemented by various political powers at different stages of Indian history, on the other hand. The reservation policies, meant for the benefit of the subalterns, have developed in the past under the same 'social order,' and carried on today by those people or groups who wield political power. It is important therefore to understand religio-political equation behind this 'social order' that ultimately influences the reservation policies. This equation has been understood from the perspective of the 'subalterns,' particularly of Dalits. The special focus is laid on both the politic and ethics of 'reservation' with a reference to the 1950 Presidential Order and the Backward Classes Commissions.

The *Journal of Dharma* calls on all citizens and leaders in the society to nurture ethics in politics for the well being of all – present and future generations. Ethics is fundamental to politics and ethics makes a difference in politics. We need a paradigm shift in the way politics is shaped and realised by citizens as well as political leadership. Even in the struggle for power, trade-offs and compromises between individual, local, national, regional and international interests ethics is necessary in politics. The world stands in need of political leadership imbued with vision and responsibility with a determination to act ethically always both at the personal and political levels. They should have ethical responsibility for their decisions, actions and omissions – towards their own constituency, in the first place, but also towards neighbouring and future constituencies.

Journal of Dharma 38, 3 (July-September 2013), 231-252

THE POLITICS OF SECULARIZATION AND ITS MORAL DISCONTENTS/DISENCHANTMENTS

Purushottama Bilimoria◆

Abstract: The paper seeks to demonstrate how a political-philosophical idea became a worldwide movement, a driving ideology, that has had a formidably deconstructive impact on significant religious practices of societies wedded to traditional patterns of culture, law and morality. But this Enlightenment *episteme* has also come increasingly under scrutiny for its shortcomings in recognizing the moral basis of certain cultural patterns religious predilections that people are increasingly not prepared to abandon altogether. From disenchantments (of the sacred and religion-moral proclivities in the public spheres, with some exemptions in the private sphere, such as 'Personal Law' in British India and colonial Turkey) we now have with the so-called 'return of religion in the Western world' moved to a situation of discontentment with the rampant secularization of societies in the wake of modernity and decolonisation. After engaging with Charles Taylor's re-configuration of his challenging thesis of *secularity*, the paper moves to the Indian scenario and its confused handling of secularism in our post-colonial times.

Key Terms: Secularism, Secularity, Taylor, India, Personal Law, Pseudo-Secularism, Constitution, Muslim, Hindu, Post-Colonial

1. Introduction

In his tome, *The Secular Age*, Charles Taylor sets out three senses of secularism (French, *laicité*). The first of these pertains to the separation of 'state' (the political, economic, educational, bureaucratic institutions and social organizations governing the public sphere) from the 'Church' (the spaces marking the broadly cultural and faith-spheres of believers, or the adherence to God or predicated on some notion of ultimate reality). This is

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the predominant ideology of the modern capitalist and post-industrial West, Western Modernity and much of postmodernism as well. It is our 'secular age'. Thus a secular state must base its laws and political decisions on reasons and the communicative apparatus of rationality that everyone could accept, irrespective of their particular ethical or religious conceptions.[1]

The second, somewhat hackneyed sense of 'secular' in Taylor, adverts to the compatibility between 'the emptying of religion from autonomous social spheres' and the fact that a vast majority of people still believe in God, and practice their religion vigorously.[2] Whereas in the earlier, excarnated, secular age all goals beyond human flourishing were eclipsed and contained within immanent secular humanism and the absolutes of modern science, there is here a personalized openness to those very transcendental possibilities; whole communities might find it tempting. The United States, Taylor notes for his prime example, is striking in this regard: "One of the earliest societies to separate Church and State, it is also the Western society with the highest statistics for religious belief and practice."[3] And religious belief, we might add, that exceeds Judeao-Christian predilections in the peculiar 'melting pot' version of multiculturalism. Buddhism is embraced widely in urban regions across the continent, while Islam boasts a formidable presence among its immigrant communities, as do Hindu, Jain and Sikh cultures among transnational South Asian communities. "Here belief in God might go unchallenged and is indeed unproblematic. The majority of Muslim societies and the milieu in which the vast majority of Indians live are given as conforming to this sense."[4]

The third sense of 'secular' for Taylor, by contrast to both above – and more significant for Taylor's reformist narrative – registers a shift toward a space where religion is "understood to be one of the options among others, and frequently not the easiest to embrace."[5] And this is how Taylor encapsulates the secular in the third sense:

> … the change [shift] I want to define and trace is one which takes us from a society in which it was virtually impossible not to believe in

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[1] K. Baynes, "Habermas," *Routledge Encyclopedia of Philosophy*, ed. E. Craig, http://www.rep.routledge.com/article/DD024SECT, Accessed 11 September 2011.

[2] Charles Taylor, *The Secular Age*, Cambridge: Harvard University Press, 2007, 2.

[3] Taylor, *The Secular Age*, 2.

[4] Taylor, *The Secular Age*, 2.

[5] Taylor, *The Secular Age*, 3.

> God ["or the transcendent"], to one in which faith, even for the staunchest believer, is one human possibility among others... Belief in God is no longer axiomatic. There are alternatives.[6]

This third sense of the secular Taylor christens as *secularity*: it concerns the *conditions of belief*. Secularity in this sense "is a matter of the whole understanding in which our moral, spiritual or religious experience and search takes place." It is "a condition in which our experience of and search for fullness occurs; and this is something we share, believers and unbelievers alike."[7] The search for fullness takes our disenchanted age beyond the closed world-perspective to the higher, transcendental reaches beyond human flourishing and an ontological grounding of morality; it is then the "new context in which all search and questioning about the moral and the spiritual must proceed."[8] Hence, Taylor is comfortable in concluding that a society would be deemed secular *qua secularity* or not, "in virtue of the conditions of experience and search for the spiritual." And while in passing he mentions that the case of India is correlated better (perhaps historically at least) with both the latter senses of being 'secular', but not with the first,[9] in the case of the West, "the shift to public secularity has been part of what helped to bring on a secular age in the third sense." One cannot avoid noticing (if a pun be permitted) the slight circularity in the argument and certain debatable presuppositions, not least of an irrepressible human need to embrace *external* transcendence for moral and spiritual goals beyond just human flourishing.[10] Even so, the overall thesis holds largely true in the case of modern India as well as in modern Western nations.

I applaud Taylor's endeavour toward opening up the hitherto rather closed taxonomy of secularity in modern-Western cultural monolingualism since the Enlightenment and his quest for a more robust and contemporaneous perspective that takes into account both the historical experience of humanity with its divergent stories about religion and the social world, and the inexorable "return of the religious" in recent decades, whose reverberations are felt more in the media and certain cloisters within the academe than in the broader intellectual discourses of the West.[11] Nevertheless, in what follows, I wish to contest Taylor's still profoundly redemptive and evidently Christian/eschatological construction of the reformed secularity he wishes to advocate or prescribe, and more importantly, the narrow representation of the supposed case of India, that he mentions *en passant.*

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[6] Taylor, *The Secular Age*, 4.

[7] Taylor, *The Secular Age*, 19.

[8] Taylor, *The Secular Age*, 20.

[9] Taylor, *The Secular Age*, 4.

[10] Crittenden **Paul, "**A Secular Age: Reflections on Charles Taylor's Recent Book," *Sophia* 48, 4 (November 2009), 469-478.

In what follows, I will problematize the senses in which India could be said to be secular or not secular, or the kind of secularity that afflicts the Indian condition, particularly in the shifts that have occurred after the imperialist *philosophies*, such as Hegel, Marx and Weber, cast a Eurocentric (Enlightenment) spell on India, along with the interventionist inroads made by British/European colonialism, that unsettled an established pattern of the relationship between the sovereign instruments of governance and religion. The imposed discourse(s) of secularism in any and all of Taylor's senses have only helped to, as it were, muddy the waters and has left behind in the postcolonial landscape a troubling legacy from which the Indian society has barely recovered and with which the modern nation-state continues to grapple. If not that, then it becomes entangled in ambivalent and hybrid imbroglios, such that we now have adherents of Lord Rama protesting that India has embraced an ideology of 'pseudo-secularism' to the detriment of its national and cultural harmony. The battle-line is drawn not just between secularism and spiritual transcendence, but it cuts in multiple vectors across religions (of which there are more – and claiming more adherents – than in all of the US, Europe and the rest of the Western world put together). The situation and challenges from and for secularism facing the Indian, post-Gandhian experiment are so fraught with dilemmas and discursive instabilities that it is worth examining this scenario – if only so that the West may pay heed to its own by-gone Orientalist errors and be cautious before hurriedly coveting or expropriating religion in response to the discontents of secularity. There are lessons to be had here.

2. The Eurocentric Frame of the 'Secularization Debates'

I begin with a thesis recently developed by the postcolonial Sikh scholar Arvind-Pal Mandair who attempts to connect "the operations of an imperialist technology in a past historical movements (specifically during the encounter between Britain and India) with its legacies in the present, namely, the crisis of secularism and/or the 'return of religion' into the heart of the Indian nation-state and the projects of the South Asian diaspora."[12] He explores these legacies via a reassessment of the role of religion and language in the formation of both the imperialist and nationalist ideologies, specifically in the work of monotheism and monolingualism, considering the two to be parts of a single process that he tellingly dubs as "*mono-theo-lingualism*."[13]

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[11] Peter Singer, "Singer vs Lennox: Is There a God? Big Ideas," *ABC TV*, www.abc.net.au/tv/bigideas/stories/2011/09/06/3310342.htm, Accessed 15 September 2011.

Whole Western academic disciplines are committed to the idea that the phenomenon called 'religion' has been constitutive of the cultural and philosophic frame of the West, notwithstanding the different moments through which a certain metaphysical continuity has been manifest: the Greek (*onto-*), the medieval-scholastic (*theo-*), and the modern humanist (*logos*) – hence the ontotheological.[14] Indian (not least Postcolonial) theorists in their critique of secularism – presumably in deference to the letter of the (European) Enlightenment – however maintain a stricter separation of the religious and the (secular) state; while in the post-Enlightenment (to the post-Modern) era the lines are somewhat more blurred between religion and secularism because they 'inhabit other spaces' in the Humanities and Social Sciences. A genealogy is traceable from colonial Indology (scholarly-comparative praxis focused on India and things Indian) to neo-colonial religious reform movements, that demonstrates that the concept of religion used by Indologists and Indian elites were in the period in question affected by Western philosophy, theology, and politics. And its genesis arguably goes back via Marx and Weber to Hegel. The myth underscored was that politicizing or deprivatizing religion will inevitably lead to catastrophe, that religion is the cause of violence; therefore the liberal state is needed to guarantee the protection of its citizens.

In the construction and perpetuation of Indian secularism, Hegel both perpetrated this essentialist myth of secularism and at the same time muddied what was essential to an understanding of the very traditions of India in question. Hegel recognized the importance of religion in India's long cultural history and the production of its thinking, literature, philosophy, magical practices, social institutions; however, because the religions of India were not grounded nor guided by the self-awareness of Reason (*Vernunft*) it lacked the maturity of the apparatus enabling self-determination or freedom in political and civil life. Hegel was greatly troubled by the richness of India's religious life and its representations, though a little less troubled with Hinduism's philosophical abstractions. Perhaps this shows the prejudices of his time, of the Christian mind that abhors any presence of the pagan, and of the scholarly type that favours the abstract concept over the seemingly irrational and fantastic appearances of popular religion, myth and the *cultus*. This is a story of how 'religion' was both invented (for the 'Other') and in the same moment gerrymandered.[15] For India Hegel felt that these poles characterized the whole of the cultural matrix but were articulated in such a way that no real resolution was possible on the Indian terrain alone. Such a resolution of opposites was left to those cultures further along the developmental and, it seems, 'evolutionary,' sequence – that the descendants of the Aryans in the European continent were bequeathed with. The theoretic implications and impact of such a philosophy of history/culture as Hegel proclaimed through his voluminous opus on non-Western people's perception of the cultural *alterity*, and on the constitution, internally as it were, of their own identity, location, and *topoi* vis-á-vis the West (which one might call 'internal orientalism') have been ominous.

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[12] Arvind-Pal Mandair, *Religion and the Spectre of the West, Sikhism, India, Postcoloniality and the Politics of Transnation*, New York: Columbia University Press, 2010, 13.

[13] Mandair, ***Religion** and the Spectre of the West*, 13.

[14] Mandair, *Religion and the Spectre of the West*, xiii.

This impact, as Mandair argues,[16] is endemic in the modern Indian espousal of secularism that came via the Jena Romantics, Indologists and the native elite alike, persuaded by Hegel's ontotheological schema, the epistemography (via Spivak) of power and progress.[17] It was left to the colonial administrators in the subcontinent (as elsewhere) to carry through the project of "the formation of a modernist identity for Indian elites, an identity that is, paradoxically, religious in essence."[18] One might say, these came to form a peculiarly Indian form of secularism that is not mute on matters pertaining to religion – even to the highest reaches of metaphysics.

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[15] Eduardo Mendieta, "Society's Religion: The Rise of Social Theory, Globalization, and the Invention of Religion," in *Religions/Globalizations: Theories and Cases*, eds., Dwight N. Hopkins and Lois Ann Lorentzen, Durham, N.C.: Duke University Press, 2001, 46-65.

[16] Mandair, *Religion and the Spectre of the West*, 121.

[17] Mandair, *Religion and the Spectre of the West*, 155.

[18] Mandair, *Religion and the Spectre of the West*, 112.

Before moving to examine the Indian scenario I wish to touch on the Western modernists who I named in the Introduction as exemplifying the influential neglect of non-Western experiences of secularism. Habermas for one; and I will also touch on the enthusiastic avowal of certain select religious tropes in Žižek's reformed post-Left-Marxist-anti-multicultural revival of the rebellious imaginary of Jesus (the "non-Christian" Christ): "to Hell with the Buddha (even 'Europe's Buddha')."[19]

Like most modernist philosophers, Habermas seems completely oblivious to the existence of non-Western contestations between modernity and religions, except for some passing reference here and there, especially in his attempt to countenance the rise of fundamentalism globally. While he acknowledges "the rise of religious fundamentalism, the return of religious law as an alternative to secular civil law, Europe's *Sonderweg* with regard to religion and politics, 9/11, and issues relating to naturalism such as biotechnology in the field of genetic engineering,"[20] the preoccupation is entirely with the challenges faced by Western modernity. In his recent book-length work on *Between Naturalism and Religion Philosophical Essays* his main concern seems to be primarily focused on a defence of 'soft' naturalism in which he invokes Kant's more conciliatory approach in his philosophy of religion to "assimilate the semantic legacy of religious traditions without effacing the boundary between the universes of faith and knowledge."[21] As a prefatory comment to this project, he observes: "Nowadays religious fundamentalism, which also exists within Christianity, lends the critique of religion a regrettable topicality."[22] This is really a veiled allusion to extremism of political Islam and evangelical Christianity; but there is no reference to the convoluted politics and the West's complicity in the Middle East, especially on the rise of modern Zionism in Israel.[23] Still, Habermas goes on to offer an interesting insight: "Nevertheless," he says, "the focus of attention in the West has in the meantime shifted. Here, in the European part of the West, the aggressive conflict between anthropocentric and theocentric understandings of self and world is yesterday's battle. Hence the project of incorporating central contents of the Bible into a rational faith has become more interesting than combating priestcraft and obscurantism."[24]

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[19] Purushottama Bilimoria, "Nietzsche as 'Europe's Buddha' and 'Asia's Superman," *Sophia* 47 (2008), 359-376.

[20] Pieter Duvenage, 'Communicative Reason and Religion: The Case of Habermas,' *Sophia* 49, 3 (2010), 343-357.

[21] Jürgen Habermas, *Between Naturalism and Religion: Philosophical Essays*, Cambridge: Polity, 2008, 211.

[22] Habermas, *Between Naturalism and Religion*, 343.

[23] Robert Eisen, *The Peace and Violence of Judaism: From the Bible to Modern Zionism*, Oxford: Oxford University Press, 2011

Here Habermas finds some solace in Kant's project of predicating the principle of moral law, laws of duty and right on practical reason and the kingdom of ends. He also points out that Kant never did abrogate the role of religious teachings on morality, especially in the exemplary lives of prophets, saints, monks, and so on, as distinct from the authoritarianism of the ecclesiastical orders, in providing practical reason with its "store of suggestive and inspiring images," in short, a needed epistemic stimulus for the postulates with which it (practical reason) attempts to recuperate "a needed articulated in religious terms within the horizon of rational reflection."[25] We know that Kant tried to justify a continuation of some modicum of religious faith as '*fides*' – from which we get fideism – within the limits of reason. Indeed, he wanted to overcome metaphysics in order to make room for faith. But there is no reference to any of the world's religious traditions in Kant or in Habermas that might augment the task of practical reason in its alliance with faith. In fact, Kant is rather dismissive of and disparaging of the religions of the Tutsi, Hawaiians, Hindoos and Sino-Tibetans in rather racists terms as the people belonging to species whose reason is not yet cooked, is rather 'raw humanity,' looked upon as 'immature' with only the more primitive or aboriginal sensibilities.[26] Simply lost to Habermas, or beyond his eurocentric purview, is Gandhi's discourse ethics and critique of modernity, by contrast, which while not based on a strict adherence to Enlightenment rationality, has had a far wider and profound universal impact in the lived world than Habermas' communicative ethics is likely to have.[27]

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[24] Habermas, *Between Naturalism and Religion*, 212.

[25] Habermas, *Between Naturalism and Religion*, 213

[26] Purushottama Bilimoria, "Postcolonial Critique of Reason: Spivak between Kant and Matilal," *Interventions: International Journal of Postcolonial Studies* 4: 160-167.

[27] Habermas in particular questions the very presence of the term – *post* – as a sign of the problem being addressed rather than an epistemological and political solution disclaimed in these intellectual fads, something that might however pass in

Agnes Heller once said that the Hegelian adventure of World Spirit was not consciously meant to be a fiction, but neither was it meant to be the reconstruction of facticity.[28] One must wonder then what it was meant to be? A script for a dinner party? Clearly, such grandiose philosophical histories become weapons in the hands of unscrupulous colonizers of one sort or another, and while Hegel and Schopenhauer may have fallen out of favour in modern or post-modern scholarship their ghosts still haunt the modes of discourse within the academy and outside it, in the underside of modernity and in the phenomena of 'Orientalism' (external and internal) and neo-colonialism.[29]

And finally to Slavoj Žižek, who seems to have embarked on the path of resurrecting despite his – or perhaps in cohorts with – commitment to Left-Marxist anti-capitalist anti-liberal-democratic-multculturalism and intensely postsecular and political, even revolutionary ideals, the Hegelian rebirth. How so? By bringing the political into the erstwhile formulations of Cartesian subjectivity as the common ground (commonality) for the universal. Of course, neither subjectivity nor the universal are as they stood in Descartes' cogito, the subject, and Hegel respectively; rather in contemporary discourse they appear to be stripped of their excessive, unfreedom, repressive and exclusivist paradigms, which has led to the rejection of the unified transcendental Subject (God, Man, Nation, etc.), the universality and instead is a void proliferated by decentered multiple subjectivities (gay, feminine, ethnic, religions) corresponding to the theoretical movements of postmodernism, postcolonial theory, and their ideological compliment, New Age Gnosticism – all of which he finds unpalatable. "Žižek confronts these false alternatives by using Lacanian psychoanalysis to reappraise the standard narrative of German idealism, mainly of Schelling and Hegel."[30] The subject in what Žižek calls its 'night of the self' is a paradoxical creature, not without self-contradictions

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time, as all trends do. Dipankar Gupta, "Gandhi before Habermas: The Democratic Consequences of Ahimsa," *Economic and Political Weekly* 7 (2009), 27-33.

[28] Agnes Heller, "Moses Hsūang-Tsang and History" in Eliot Deutsch, ed. *Culture and Modernity: East-West Philosophic Perspectives*, Honolulu: University of Hawaii Press, 1991, 535-547, 540.

[29] Enrique Dussel, "Modernity, Eurocentricism, and Trans-modernity: In Dialogue with Charles Taylor" in *The Underside of Modernity: Apel, Ricoeur, Taylor and the Philosophy of Liberation*, translated and edited by Eduardo Mendietta, Atlantic Highlands: Humanities Press, 1996, 129-159.

[30] Mandair, *Religion and the Spectre of the West*, 398.

and inner tensions, etc. It follows that if that is what the particulars are constitutive of in the world/void then there cannot be a conception of the universal of human subjectivity, other than the purely abstract. "Rather, universality is a site of unbearable antagonism ... or minimal difference with itself. So subjectivity becomes a ground play of the political and awaited univeralization."[31] And here, like Habermas, Žižek does not rule out the role of religion, indeed in the postsecular ideology it is a necessary dialectical force to be reckoned with. However, the 'return to the religious' – the phrase is something of a cliché now – is cast not in terms of the old authoritarian, orthodox, God-centred, anthropocentric, Church-decreed religion of faith and revelation. Rather, it is a matter of the kind St Paul discovered on the road to Damascus; and here he follows in the footsteps of Tsow Bidou who has also written approvingly on St Paul. At a key-note address to the American Academy of Religion three years back, Žižek provocatively aligned Jesus not with the Incarnational divinity within the Trinity (the possible polytheism aside) but with the hero of the Young Marx and Engels, the frontline fighter and social struggler dear to all Marxists-Leftist revolutionaries: "That is the Jesus I would put my rational faith on!"[32] Here is Žižek's theo-humanist confession in more concise terms, discoursing on the true nature of dialectic:

> And that is why I have always liked the radical eschatological Christian vision whereby the idea is that when humanity fights for salvation, for good against evil, then this is something that not only concerns humanity but, in a way, concerns the faith of the universe and the fate of God Himself... The whole point is to historicize the so-called eternal questions, not in the sense of reducing them to some historical phenomenon but to introduce historicity into the absolute itself... And here again, we are back to Hegel and Schelling, because if there is anything to learn from German idealism it is precisely this dialectical attitude. This can also be found in Heidegger and the perspective of how the disclosure of Being requires the human in the sense of *Dasein* (being-there). That is to say, the contingent humanity is at the same time the only site of disclosure of the absolute itself.[33]

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[31] Mandair, *Religion and the Spectre of the West*, 398.

[32] www.egs.edu/faculty/slavoj-zizek/videos/

[33] Slavoj Žižek and Glyn Daly, "*Conversations with Žižek*," New Jersey: John Wiley & Sons, 2004, 88-89.

What Zizek knows of and says about Europe's 'Other' is derived from his Occidental predecessors, Hegel, Nietzsche, Marx, Husserl and Heidegger in his references to the 'pre-modern societies' and what is lacking in them and why their anti-colonialism is not as fantastic an achievement as critiques of Orientalism have assessed it to be. So Mandair asks rightly: "But does Žižek not make the same move in his effort to reconstitute a "progressive /leftist Eurocentrism out of Christianity's self-sacrifice?"[34] The secular or 'secularization' that is born of a "disenchantment of the world,"[35] it seems, is not without its own disenchantments.[36]

3. The Complex Indian Experience of 'Secularization'

I want now to thus proceed to put to test, demonstrate and elucidate the above argument – vis-à-vis Taylor's programmatic of secularity as it applies to the Indian case – by analysing the troubled relation between the majority Hindu and a minority Muslim population respectively precisely on the question of the role and function of religion and religious community-law in the public qua political domain of a nation whose Constitution (in its Preamble at least) declares it to be a "secular, socialist, democratic Republic."[37]

The continuing presence of the Muslim in India is a symbol of the 'failure' of the Indian nation. That presence is a sign of a lingering disease, a psychotic split to be precise, in the discourse of Indian nationalism between the 'secular' and the 'properly Hindu.' This sense of failure is what Partha Chatterjee calls an unresolved contradiction between the (post)colonial nation's (European) enlightenment project and its nativist consciousness of difference. That difference is inscribed in the discourse of communalism which was introduced during the Raj and used by the colonial state, then by the Muslim League; and the major Indian nationalist factions carried it into independent India to put limits, if not brakes, on the dominance of secularism. The paradox is that there has been at least two senses of secularism operative within the Indian nationalist discourses: and both have been seen as the *cause célèbre* or the failure of the Indian nation, while both claim to represent the 'true nation.' More pertinent though, it is the hermeneutics, including an intervention in moral governance and juridical processes, that puts the respective claims into practical test in *real politik.* A fledgling Hindu nationalism, apprehensive of its own marginalization under both the colonial state and, later, the secular nationalist's stigma of Hindu communalism, would place itself in the interstices of the variant political nuances, claiming that both have reached their limits and are therefore 'pseudo' (*banawati*), meaning, 'pretend only,' and hence hides beneath its sanguine crust a civilizational failure.

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[34] Mandair, *Religion and the Spectre of the West*, 409.

[35] Discussed in Christopher Partridge, *The Re-Enchantment of the West*, vol. 1: *Alternative Spiritualities*, New York: Continuum, 2004, 8-9.

[36] Rob Warner, *Secularization and Its Discontents*, New York: Continuum, 2010.

[37] Purushottama Bilimoria, "The Pseudo-Secularization of Hindutva and Its Campaign for Uniform Civil Codes," *Nidan: Journal for the Study of Hinduism* 18 (2006), 1-21.

Put in another way, Hindu nationalism turns the coat or *dhoti* of secularism inside out, and points to the obfuscation over the precise interpretation of what this entails in the Indian context – and this is nowhere more apparent than in the pervasive polemic of 'pseudo-secularism' that the Sangh Parivar ('family organizations' or network of Hindu rightist groups) and in particular the Bharatiya Janata Party leadership have all too readily utilized in criticizing the nation's serious lapses in not being able to deal with its 'Other.' But this polemic is made possible to a large extent by the inherent ambiguity in the very concept of 'secularism' and, more significantly, its apparent failure in the Indian context. This claim is not original to the Hindu right or the ideologues of a strident Hindutva. The version of secularism that has failed, as scholars such as Ashis Nandy, T. N. Madan, Mushirul Hasan, and Pratap Banu Mehta have argued, is one that seeks to distance religion and collective religious aspirations from the political structuration and legal processes of a society in a multicultural and pluralist environment (Taylor's sense 1 moderated by the Nehruvian attitude). This was an impossible project for India. As Mushiral Hasan observes: "Delinking of state and religion remains a distant dream; secularization of state and society an ideal."[38] But secularism, in the nuances taken on board by the Constitution makers and markers, adverts to a healthy diversity and harmony of all religions, ceteris paribus.

What the term 'pseudo-secularism' undergirds then is a convoluted attack on both nuances; and to an extent rightly so. The former nuance – a legacy of the Enlightenment – is being seriously undermined in world politics; and it was never true of pre-British India and much of the

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[38] Mushirul Hasan, "Minority Identity and Its Discontents," *South Asian Bulletin* 14 (1994), 24-40.

Christian and Islamic principles of governance. The Indian society is basically religious, historically and continuing into the vanishing present. The latter nuance is shown to be rather weak in the face of real challenges, short-changing of religious rights, etc., in the state's agenda for tighter political control and an uneven economic liberalization. In the climate of communalization, any group in control or through certain manipulative machination could engender a situation of insufferable compromises to the religious freedom, rites and rights of another group, while at the same time placing the onus of the Constitutionally-nuanced project of secularization on the doormat of the weak-kneed state which for its part abrogates the executive responsibility of reining in harmony and culture of toleration. As I will demonstrate, this is precisely the argument used in the show of force with which the charge of 'pseudo-secularization' is meted out by the ideologues of Hindutva. They are the ones on the losing end, the slippery slope of the secularizing promise, since it is their religious freedom that has been severely compromised. Appeasing the minority communities is communalism abetted by Nehruvian 'pseudo-secularism' (i.e., reneging on the state's commitment not to marginalize nor for that matter abet and patronize any one religion over another, as guaranteed by Articles 25-27).

The idea of secularism that prescribes a complete separation of church/religion and state had much appeal in the elite fragments of the nationalist freedom movement, for which Nehru has been accorded most credit (though in fact, part from licensing favouritism in the industrial planning agenda, Nehru was a tolerant secularist). The Constituent Assembly on the other hand was all too cognizant of the diversity of the highly politicized religious communities, and so its recommended draft Constitution reflected a series of accommodations and compromises on the design of the secular state and the normative order. It reasoned that a state can in principle be secular but its disposition towards the society made up of divergent religious community could be one of (principle #1) toleration, regulatory neutrality and reformative justice (principle #2).[39] And a corollary to this would be a careful calibration of an active rather than a passive principle (#3) of 'religious freedom' which covers a range of liberties, including the right to beliefs, rituals, religious institutions, and non-discrimination on grounds of religion, race, and gender. Nevertheless, on substantive issues, such as for example the extant and manner of religious reform, social welfare, caste justice, gender issues, education, the Constitution chose to remain silent or 'neutral' and at best relegated these to either the perfunctory articles under the Fundamental Rights or to the unenforceable Directive Principles. Still, with Indira Gandhi's addition to the Preamble, ironically, of the very hitherto absent place-marker (with the term) 'secular,' there could be no argument, in principle, that the nation was ready to make a firm commitment to an inclusive and mutually tolerable co-existence of different faith-traditions, thereby affording respect to the Articles in the *Adhikarapatra* (Bill of Fundamental Rights, Constitution of India, adopted 1950, with Amendments) that enshrine and protect the right of each religious community to profess, propagate its own faith and, by being free to establish places of worship, educational institutions and self-sufficient procedural means, realize its own values and aspirations.

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[39] Rajeev Dhavan, "The Road to Xanadu: India's Quest for Secularism" in Larson Gerald James, ed., *Religion and Personal Law in Secular India*, Bloomington and Indianapolis: Indiana University Press, 2001, 301-329, 311.

It is here that the Hindutva Parivar and political cohorts have focused their attention in isolating a single group as the cause of this failure, and are grieved that even as the majority populace its own religious rites/rights, representation, preferences and needs are not being honoured by the secular state, nor respected by the minority community (or that there is some kind of collusion between the two, as in the heydays of the Congress rule, the Communist interlude, hybrids in the South, and so on).

Even more than the political shifts, or stagnation, or back-firing, one platform on the national scenario that is likely to sustain and feed the continuance and re-growth of the Hindutva ideology is the silent symptom in the nation's alleged pseudo-secularism, namely, United Civil Code (UCC), or its absence. The question of common civil law covering all citizens doubtless occupies centre-stage in any discussion of community identity or gender justice,[40] but it takes a more saffron shade under the *diya* (lamp) of Hindu nationalism. Hence you had Anglo-Muhammandan Law and Anglo-Hindu Law; and Christian and Parsis retained their own Personal Laws.[41]

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[40] Zoya Hasan and Ritu Menon, eds., *In a Minority: Essays on Muslim Women in India*, Delhi: Oxford University Press, 2005, 7.

[41] Personal Law (PL) in India constitutes a legacy from the British Raj whence a hybrid system of Law based on an egregious bifurcation of customs and textual sources into the 'private' and 'public' was instituted. Civil codes governed the criminal arenas, commerce, public safety, and so on. The private sphere of morality, largely Family Law, but included property rights were brought under PL, that therefore governed marriage, fiduciary partnerships, divorce, maintenance,

Along with the Penal Codes of the previous two centuries this system has survived with some modifications into the twentieth and twenty-first centuries and it has been a source of much anguish, strife, and debate in post-independent India. PL of Hindus have been largely codified, i.e. traditional laws are reconfigured in the light of secular humanitarian standards via the so-called Hindu Code Bill (1955-57). Thus the Hindu Marriage Act, 1955, reins in prohibition against the practice of bigamy. Hindu Succession Act gave widows right to absolute maintenance, and daughters the right to inherit. Family courts had also been set up. While the Hindu Code eased the pressures on divorce and marital difficulties, property rights and inheritance among Hindus, it created other barriers and difficulties – Ambedkar resigned from Parliament in his disillusionment or Weberian disenchantment – for it did not override the proclivities of caste, patriarchy and race under Mitakshara law. For example, under Hindu law, sons can claim an independent share in the ancestral property, but the daughter's share is based on the share received by the father. Hence a father can effectively disinherit a daughter by renouncing his share of the ancestral property, but the son will continue to have a share in his own right. Additionally, married daughters, even those facing marital harassment, have no residential rights in the ancestral home remained ambivalent over issues such as the inheritance rights of tribal women, coparcenary rights in matrilineal communities, widow re-marriage among certain caste Hindus and so on, not to mention being unable to weed out the practice of sati, dowry, bride harassment, child marriage, and continuing bigamous practices among Hindu men, and a few other anomalous remnants from the medieval times. And just who counts and does not count as 'legal Hindu' is also a matter of some debate: should the Code apply unequivocally to Sikhs, Jains, Buddhists, and tribals (such as of Nagaland, without exemptions as an after-thought?) Careful case studies have shown that Hindus, particularly in rural area, remain largely ignorant of the Hindu Code Bill or the Special Acts and continue to follow localized legal traditions, such as Mitakshara, Deobarg and so on. The State for its part also fosters patriarchal relations in negotiating political

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inheritance, succession, and adoption. The legislature and civil courts would thread on this institution with utmost care and caution, and their jurisdiction was restricted to only those matters or disputes that were brought under the communities' provisions, dispensation or exemption within PL. Hence there was the Anglo-Hindu Law for Hindus, Anglo-Mohammad Law for Muslims, and Christian Law for Europeans and Christians.

power and global capitalism.[42] Hence the tension between 'tradition' versus 'modernity' cuts both ways, and it does not augur for a movement toward sanguine common code. And it was the Hindu nationalists and secularists who foiled many opportunities to effect comprehensive gender equity on the grounds of preserving patriarchy.[43]

Nevertheless, in the eyes of the Hindu nationalists, Hindu PL is far ahead for its time, it is much secularized and this reformative feat has been achieved indeed at almost a 'civilizational' cost, implying –and here is the rub – the minority religious communities continue to enjoy the glories of their own archaic and unsecularized PLs, and the secularist vote bankers support in particular the Muslims and Christian through a forged hermeneutic of the Fundamental Rights, ignoring the mandate of the Constituent Assembly (Article 44 under the Directive Principle) wherein it is decreed that the Indian "state shall endeavour to secure for the citizens a uniform civil code." It must be emphasized however, that this non-juridical directive does not say the State should univocally legislate or enact the UCC in the fashion of Justinian Roman Law or the Napoleanic Code, but through gradual reform and initiatives undertaken by the communities concerned. As we see with Hindu Code Bill, this is a step in that direction, but codification, and specially under a universalist strain – that is, locating a common denominator in terms of justice and equity, across all religious communities, – may simply be consolidatory rather than reformative "on the ground."[44]

Returning to the Hindutva imagined charge sheet, the claim is that PL of Muslims, Christians and Parsee is a system alien to the majoritarian ethos and the larger trajectory of nation-building: a unified nation with a common code. And why should the Hindus alone have to bear the burden of the regulatory and reformative agenda under the watchful eyes of the secular state, bent on secularization every aspect of Hindu faith and life, while the Muslim is exempted and is a willing claimant to the Constitutional license to continue with their own religiously sanctioned social practices, customs, and laws?

Indeed, this sort of qualm had reared its head quite a few times, in the Maha Sabha assembly, in the writings of Savarkar and Golwalkar, with the passing of the Muslim Sharia't Act in 1937. It had exacerbated the debate in the Constitutional Assembly on a three-way divide, between those who, like the self-proclaimed leader of the so-called 'untouchables,' since re-termed as 'Dalits,' Bhimrao Ramji (Dr B R) Ambedkar, desired a uniformity of codes on a rigid platform of secularism across all communities – religious caste, non-castes – and those like Nehru who while they desired uniformity of codes thought India was not developed enough to adopt such a fully-secular judicial system, and in any event it is better to reform Hindu PL and worry about the minorities later. And worry they did.

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[42] Srimati Basu, "The Personal Law and the Political: Indian Women and Inheritance Law" in Larson, ed., *Religion and Personal Law in Secular India*, 163-183, 180.

[43] Basu, "The Personal Law and the Political," 164.

[44] Dhavan, "The Road to Xanadu: India's Quest for Secularism," 317.

The Sangh's most explicit and vociferous stance on Muslim PL that propelled a campaign for UCC, surfaced in the aftermath of the famous 1985 Shah Bano case. Here a 75 year Muslim woman's petition for increasing the amount of maintenance from her ex-husband was upheld and judged in her favour under the Section 125 of the Criminal Procedure Code – that prevents vagrancy due to destitution, desertion or divorce. The husband's argument was that the claim is in violation of Muslim PL provisions as inscribed in Islamic law, he provided evidence from statements made by the All India Muslim Personal Law Board. In the landmark Apex Court judgment Justice Chandrachud pronounced, presumably, *obiter dicta*, that the judgment was consistent with Qur'anic injunction (he cited two verses from the Qur'an) in respect of the right of a woman to be properly maintained by their divorcing husband. (The verses were provided by Danial Latifi, the lawyer who represented Shah Bano along with Sona Khan.) The bench also remarked on the desirability of moving towards common code.

There was a nation-wide uproar. While progressive Muslims declared it was consistent with the Qur'an; the conservative Muslim orthodoxy was up in arms for this beaconed the death forever of Muslim PL; feminists and progressives, communists and hard-core secularists, welcomed this as a step in the direction of women's rights.[45] And they unwittingly banded together with Hindu nationalists to attack the principle of communal personal law itself, calling instead for uniform civil code, which the Muslim community remained opposed to. The ulema issued a fatwa against the Apex Court's judgment, and the then Prime Minister Rajiv Gandhi panicked. Opposing the judicial verdict became the cornerstone of its policy of appeasing Muslim clerics who, he believed, controlled the minority votes for ever. He did not listen to the most rational Muslim voice in his own Parliament in support of the judgment, and instead responded by hurriedly passing the Muslim Women's (Protection of Rights on Divorce) Bill, to specify the rights of Muslim divorced women at the time of divorce that effectively barred the Muslim women from access to the Criminal Procedure Code for redress after divorce; she has to bring her case and grievances under Muslim PL, unless her marriage was under secular civil code. A non-converted Hindu woman married to a Muslim man in a *nikah* ceremony and divorced would face the same constraints.

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[45] Paola Bacchetta, *Gender in the Hindu National: RSS Women as Ideologues*, New Delhi: Women Unlimited, 2004, 122.

The Hindu nationalists were incensed at the retrogressive intervention by the state on what was a judicial pronouncement to circumvent Muslim PL. As Bacchetta notes:

> Although they took the same position as progressives and feminists their underlying motives differ(ed) sharply. The progressives and feminists sought to defend women's rights, and they favoured the enactment of a secular uniform civil code. The RSS's motive was to divide Muslims along gender lines, and to use Muslim women to denigrate Muslim men.[46]

And so they played the card of majority-minority relations and identity politics. In the 1990s the political wing of the Sangh, the BJP, took up the enactment of UCC as one of the three agendas for the national cause: indeed the 'ideological mascot' of Hindutva in achieving Ram Rajya (Hindu Golden Age). As late or as 2004 the BJP remained committed to the enactment of a uniform civil code, but with a slightly altered its rationale: primarily as an instrument to promote gender justice. But social and political consensus has to be evolved before its enactment. Overall, there has been no real change in the BJP's stance on the minorities. A further anomaly that has gone unquestioned in the Parivar stance, and especially the mechanizations of BJP politics, is the precise template for and contents of the prescribed UCC, the manner in and means by which it is to be promulgated (if not imposed *ab extra*), and their position on the rights of religious communities, balanced against rights and equality of citizens, equal respect and religious liberty of all religious communities, and civic equality of minorities, Constitutionally protected.

It is palpably clear that the Hindu nationalists respond in part to the Muslims when they allow themselves to be used as vote-banks by the established parties, or when they evade the imperative of Hindu populism by playing up the issue of minority rights, and trumping the juridical avenues opened up to them post-Shah Bano judgment and the now mollified Muslim Women's Act. Muslims fall in-between the wedge of two strands of nationalism, secularist and Hindutva; in that regard, the protagonists of the latter continue to charge the nation with perpetrating the pseudo-secularist agenda, when in fact it is the Muslim who have been caught up in the agenda from both ends. Muslim cannot be part of the cultural nationalism as the definition of Hindutva does not permit it, how can then the political machinery bend backwards to accommodate their inclusion in the Ram Rajya nationalism?

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[46] Bacchetta, *Gender in the Hindu National*, 123.

My claim here is that keeping the issue in this obscure terms and juxtaposing it to the polemics of pseudo-secularism is a deliberate strategy to gain support of the majority community and to forge alliances with conservative parties, especially in the North and the South. While ameliorating its stance on a range of social and economic issues, but holding steadfast to the deafening call for UCC – even though when in power, the BJP did little or nothing to reform PL or enact legislations towards UCC. Meanwhile, the judiciary largely in its own wisdom since the Shah Bano judgment, remains opposed to any such move, in the interest of preserving democratic liberties. In their own way, in judgment after judgment across the country, the Muslim Women's Act is interpreted to encompass wider meaning and in more liberal terms than might have been the original intent, without disregarding, indeed informed by, the Criminal Procedure Code and other civil liberties that are afforded to the disadvantaged under Constitutional rights. This is attested to in cases brought by divorced Muslim women to the High Courts in Kerala, Bombay, and Calcutta. Thus, as Rajeev Dhawan astutely notes: "[I]f personal laws are discriminatory to women, they would have to be tested against the doctrine of equality, and then struck down if found to be discriminatory and unreasonable."[47] In terms of the principles of secularism, both the state and society have to develop a consensus for social change; it may cautiously empower the society to do so; neither is there scope for unlimited religious freedom, nor should the state exceed its neutrality in matters of religion, or discriminate against a religion, or favour one over another. The principles of secularism (the third, especially, of regulatory reform), in the triadic vision of Gandhi-Nehru-Ambedkar, "was certainly not devised to arm political

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[47] Dhavan, "The Road to Xanadu: India's Quest for Secularism," 316.

Hindu fundamentalists to chastise Muslims for not making their law 'gender just,' or vice versa."[48] If, again as Dhawan notes, "the 'uniform civil code' was once a serious constitutional objective, it has now been trivialized into becoming a tragic farce. Politics has taken over. Hindu politicians, who are not really concerned about personal law reform, use the idea of the uniform civil code to chastise Muslims for not emulating the Hindu example."[49]

What we have shown is the explication of the thesis that Mendieta sums up aptly in the following adage: "Religion remains not just an inexhaustible fountain of moral inspiration, but also an uncontainable, and undomesticateable source of both social cohesion and social intolerance."[50] A post-Hindutva yuga or truly post-secular era would only arrive when the Muslim ceases to be the symbol of the failure of the Indian nation, and the pseudo-secularization that underpins the call for UCC is set aside; not the secular project as such, which awaits integration in the nation's agenda, but with the inclusive voice of Indian qua Indian Muslims, Sikhs, Christians, Jains and Parsee, as indeed of women and other marginalized, minority, and disadvantaged groups or communities.

4. Conclusion

I began by showing that the real threat for Hegel from the colonized was not physical but intellectual (even in the lurid abstractionism or 'polymorphic-perversity' of Hindu gods and goddesses that end up in the concept of Brahman) – a threat to the very design of the *Concept*. Hence Hegel's ontotheological schema can be considered as a diagram of power – a discourse of knowledge as power, as Foucault critiqued – that at the same time provided a means for controlling the constituent and subversive forces within Europe, as well as a negation of non-European desire. For Hegel, the Orient was as much a failure in the march of Reason heading toward the self-realization of the *Geist* as the Muslim is a failure in the Hindutva march toward Ram Rajya. This is not a matter of coincidence, but one of convergence of a trajectory set for the successors of the colonial epistemography within the subcontinent.[51] Invention (or essentializing) and gerrymandering of religion as we saw with Hegel affords several reincarnations. But even Marxists and those committed to secular modernity fail to see "the polyvalent nature of the Hegelian schema as a diagram of power that exerted a theoretical and practical influence on colonial, neocolonial [experience]…,"[52] and now postcolonial/globalized formations of power. This legacy has had an indelible influence on the Humanities and Social Sciences, the history and philosophy of religion included, and has worked its way into the Frankfurt Critical School also, whose key representative Habermas is as much guilty of its imbrications as were a galaxy of neo-Hegelians in the previous century.

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[48] Dhavan, "The Road to Xanadu: India's Quest for Secularism," 316.

[49] Dhavan, "The Road to Xanadu: India's Quest for Secularism," 316.

[50] Mendieta, "Society's Religion," 237.

[51] Gayatri Chakravorty Spivak, *A Critique of Postcolonial Reason: Towards a History of the Vanishing Present*, Cambridge: Harvard University Press, 1999, 134-56.

Enrique Dussel [53] in his deconstruction of the concept of 'modernity'– as Joseph Prabhu observes –

> points out that thinkers as different as Charles Taylor, Stephen Toulmin, and Jürgen Habermas in their accounts of modernity have presented it as an exclusively European occurrence centering around the key events of the Reformation, the Enlightenment, and the French Revolution, and in Toulmin's case, the Renaissance. This Eurocentrism is most explicit in Max Weber when he introduces the "problem of universal history" with the question: 'To what combination of circumstances should the fact be attributed that in western civilization and in western civilization only cultural phenomena have appeared which (as we like to think) lie in a line of development having universal significance and value?[54]

According to this model, Europe had exceptional internal resources that allowed it to supersede through its superior rationality, disenchantment and organizational power all other cultures. What is forgotten in this account is that the history of European world conquest and the wealth and power that Europe acquired through such conquests and the misery visited on the native peoples. The solipsism of Descartes' 'res cogitans' is the mirror image and resonant expression of this inward-looking modern subjectivity, unwilling to acknowledge the oppression it causes to the subjected peoples of the New World.

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[52] Mandair, *Religion and the Spectre of the West*, 155.

[53] Dussel, *The Underside of Modernity*, 1996. Dussel Enrique, *Beyond Philosophy: Ethics, History, Marxism and Liberation Theology*, ed., Eduardo Mendieta, New York: Rowman & Littlefield, 2003.

[54] Joseph Prabhu, "Philosophy in an Age of Reason," *Australian Religious Studies Review* 25, 2 (2012), 123-138, 134-5.

Critics of modernity in South Asia have then moved to argue from the Indian experience that, however well-intended and benign the initial impetus towards the grand concept and promises of secularism, whether in the abstract or as the practical project of secularization, there is also an underside to it that in time surfaces as secularism's many infelicities, inadequacies and instabilities. If the signs of these entropy have not shown up sufficiently in Western experience since the Enlightenment railed in the 'force of secular law', then one could arguably bear witness to it in non-Western sites, particularly in the largest democracy in the world. To be sure, India's success and reputation as the largest (not necessarily the best or the most successful) democracy is yielded in part by virtue of the nation-state's commitment to a secular ethos, unlike in its neighbouring theocratic state of Pakistan, or China for that matter. However, by the same token, the fault-lines in cementing and sustaining a rigorous democratic structure also, paradoxically, as I have shown, lies very much in the imbrications of secularism, particularly as it is unable to come to terms with the long history of the nation's religious fabric and is held to ransom by one community that feels woefully marginalized and underprivileged by apparently excessive rights another religious community seems to enjoy with impunity, all under the protective canopy of the secular ideology which in the Indian rubric made the concept malleable to religious inclusiveness and pluralism of law. Secularism, in the eyes of the critics, in the Indian context at least, becomes something of a farce, if not exactly, a form of 'pseudo-secularism' as the aggrieved Hindu Right has been claiming. There are obvious lessons to be learned for those in the West who believe, as Charles Taylor does, that the time has come in the West when the old rigid concept of secularism is perched to give way to a more robust and open-ended conception of 'secularity'. Gandhi's uncompromising repudiation of modernity emphasized the transcultural benefits of a non-violent sociality. The oppressors, he maintained, had to be liberated from their own worst selves. And secularism is part of the tethers.[55] And so the hermeneutic circle is complete: secularism is born from the underbelly of modernity as the "disenchantment of the world"; the postsecular marks the birthing of the "disenchantment of secularity."

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[55] Leela Gandhi, *Postcolonial Theory: An Introduction*, New York: Columbia University Press, 1998, 137.

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DIALECTICS OF POLITICS AND ETHICS IN GANDHI AND TAYLOR

Connections, Dilemmas, and Convergences

Joshy V. Paramthottu◆

Abstract: The relationship between politics and ethics can be seen taking new turns at the dawn of nation states around the world. Independent nations could be seen as distancing themselves from their initial affinity to religions and ethical principles originating from such religions, to a secular entity proposing its own 'constitutional laws' for the well-being of their citizens. This paper analyzes the dilemma of 'secular politics and ethics' in their failure to meet the metaphysical aspirations of human self. Here, the demand for the justification of pluralism or multiculturalism is acknowledged. However, deep consciousness of one's 'religious identity' seems constantly challenging such 'plural assertions.' I read Charles Taylor and re-read Gandhi to shed some lights on the importance and relevance of 'authentic politics' which, I argue inevitably intertwined with 'ethics' and 'religion.' This was true in the case of both Gandhi, who had an 'experiential approach' to religion, politics and ethics and Taylor, who had a 'theoretical approach' to the same spheres of life.

Key Terms: Politics, Ethics, Religion, Secularism, Morality, Self-Identity, Self-Realization, Authenticity, Moral Space, Comparison of East and West, Political Ethics, Modernity, Post-Secularism and Post-Metaphysics.

1. Introduction

Evolution of 'secularism' and the decline of the social role of religions can be seen as instrumental in changing the paradigm of ethics and politics in modern times. Apparently, the relationship between religion and politics came up with a contemporary predicament of secular ethics in politics as against religious ethics which was its primary or earlier form or foundation. The *ambivalent* nature of Indian secularism – political and religious (ethical) has its history against the background of the western secularism which arose against the background of Christianity. At this

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juncture, an analysis of Charles Taylor and a re-reading of Mohandas Karamchand Gandhi can be relevant in our attempt to understand the dialectics of ethics and politics in the present times.

'Political Ethics'[1] have been debated for decades without finding any definite conclusions. Perhaps more politicians might approve of the statement like "when the end is good … it will always excuse the means"[2] than it used to be a few decades in the past. Definitely Gandhi will stand for his political and ethical principles and to a greater extend Taylor would also do the same. They too can be seen as discussion pointers of living ethically and acting politically.[3]

2. Nature of the Dialectics between Gandhi and Taylor

Both Gandhi and Taylor have written extensively on topics or questions that diverge and converge on similar concerns. My focus is on specific areas where I believe we find clear connections, convergences and important differences. The fear of an engulfing influence of western materialism and industrialism, specifically of Great Britain, was the background against which Gandhi brought to light his alternative conception of a self-identity with a specifically moral definition. For him, the term *irreligious* is inter-changeable with immorality. With his footing in the North-Atlantic context, Taylor has a similar fear, but without any specific 'outside threat' as Great Britain, of the influence and articulations of materialistic, naturalistic, and atomistic trends that definitely has roots in the scientific development and enlightenment thinking. He sees a decline of religion, especially Christianity with which he is mostly associated, together with a decline in our understanding of self-identity. For both Gandhi and Taylor politics and ethics are closely related aspects of human self. Politics cannot be separated from its 'moral/ethical' implications since human search for 'authenticity' can only be achieved on the basis of the moral evaluations on human actions and attitudes inclusive of political activities. Here I present some of their connections or agreements, dilemmas and convergences in view of finding aspects where one can read them especially to have insights on politics and ethics.

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[1] Political ethics (also called political morality or public ethics) is the practice of making moral judgments about political action, and the study of that practice. As a field of study, it is divided into ethics of process (or the ethics of office), focussing on public officials and the methods they use and ethics of policy (or ethics of public policy) dealing with judgments about policies and laws. Both draw on moral and political philosophy, democratic theory and political science. http://scholar.harvard.edu/files/dft/files/political_ethics-revised_10-11.pdf <08.26.2013>.

[2] Machiavelli, *The Prince*, Bk. I, ch. IX, London: Routledge, 1883, 62ff.

[3] Melissa A. Orlie, *Living Ethically and Acting Politically*, London: Cornell University Press, 1997.

3. Connections and Comparisons

Gandhi and Taylor can be read from a number of distinct perspectives, as political philosophers, moral philosophers, and religious thinkers. Neither of them claims to have achieved a finished product of thought from their writings and activities. However, they articulated their positions convincingly. Here I present some areas of connections and comparisons which will help to find a bridge between their worlds of ideas.

3.1. *Moral Sources* for a Phenomenology and Ontology of Morality

Taylor's *Sources of the Self* has an outer source and inner source. Self, understood as being in a moral space, is inevitably intertwined with such sources. The way human being understand the concept of 'good' and the way they are related to the 'outer' moral source which is bigger than an individual self, is significant for Taylor. "Selfhood and the good," Taylor states, "or in another way selfhood and morality, turn out to be inextricably intertwined themes."[4] Any external activity of the self inevitably influenced by its notion "good" or "ethics" including its involvement in active politics. In this existential milieu, a self is not capable of defining itself without retrieving and narrating the bigger picture of moral sources to which one is embedded and engaged. Taylor regrets that the connection between the *outer* sources and self has been given *a narrow* definition in most of contemporary moral philosophy. He says, "This moral philosophy has tended to focus on what it is right to do rather than on what it is good to be, on defining the content of obligation rather than the nature of the good life;[5] and it has not conceptual place left for a notion of good as the object of our love or allegiance..." (SS 3). There is a necessary and universal foundation of morality which Taylor intends to articulate in order to reaffirm what he views as losing ground to modern, limited definitions of self-identity. "We are dealing here with moral intuitions which are uncommonly deep, powerful, and universal" (SS 4). Taylor contends that while we feel certain moral intuitions at depth approaching what we might call instinct, in fact moral life extends beyond instinct to a relation with transcendental being. He argues that "a moral reaction is an ascent to, an affirmation of, a given ontology of the human" (SS 5). The ascent of morality goes beyond its rational, sociobiological, psychological, political and natural scientific explanations since there will always be an *inarticulacy* proper to its very nature. Taylor warns that,

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[4] Charles Taylor, *Sources of the Self: The Making of the Modern Identity*, Cambridge: Harvard University Press, 1989, 3 (Henceforth SS will be given within the body of the text).

[5] Apparently political ethicists have emphasized the concept "right" more than the concept "good." That which is legally right need not necessarily be good for the human society. I think political liberalism has been influenced by this tendency where they are quick to legalize things without considering its pros and cons.

> … it doesn't follow from this that moral ontology is a pure fiction, as naturalists often assume. Rather we should treat our deepest moral instincts, our ineradicable sense that human life is to be respected, as our mode of access to the world in which ontological claims are discernible and can be rationally argued about and sifted (SS 8).

The use of *should* in the foregoing statement indicate the way Taylor persuades his readers of positions to which he is committed. A phenomenology of a moral realism which was, is, and will be, arguable is explicit in Taylor's work.

In his book *Ethical Religion* Gandhi seems to have shared Taylor's willingness to root moral life and action in a transcendental relation, and even to therefore use morality and religion interchangeably:

> The common idea is that morality and religion are distinct things; still this chapter seeks to consider morality as a religion. Some readers may think the writer is guilty of confusion. That reproach may come from two sides from those who regard religion as more than morality, and from others who thinks that, where there is morality, there is no need for religion. Yet the author's intention is to show their close relationship. The societies spreading ethical religion or religious ethics believe in religion through morality.[6]

Here again we see an appeal to the *inescapable background* out of which 'good' customs and practices developed and preserved through history. There are *religious* people involved in *immoral* deeds and *irreligious* people involved in *moral* deeds. Hence, the question is to define good from a necessary and universal ontology of morality by which to relate action to value and transcendence.

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[6] http://www.mkgandhi.org/ethical/morality_religion.htm and also in *Ethical Religion*, Section on "Morality as a Religion." Accessed 12.08.2013.

Though Gandhi preferred to consider religion and morality as intertwined, he does clearly distinguish between morality and religion. For example he says that the seed of morality is watered by religion and without water it withers and ultimately perishes and so, "it will be seen that true or ideal morality ought to include true religion."[7] Gandhi's concept of Truth and its interchangeability with the concept of God makes it easier for him to distinguish between morality and religion while nonetheless refusing any real separation between them. Taylor struggles to give a better ontology of morality, whereas Gandhi simply provides one. All of the above notwithstanding, it does seem that Taylor's commitment to religion is not far from Gandhi's position in finding moral foundation for politics and social action.

His work *A Secular Age*[8] has developed a narration of the conditions of secularity in relation to the conditions of religion, especially Christianity. After explaining the external *sources of the self*, demonstrating the *new reflective forms* of religion, it is suggested that we may return to religion and God in a new way, in order to ultimately find the real foundation of good and indeed morality itself. It is apparently clear that all the world religions are in solidarity with substantial moral principles. Hence, Gandhi and Taylor being political activists and thinkers, the themes of morality and religion go hand in hand in them. The decline of one or the other will have an impact on the other political involvement.

3.2. Ambivalence of the Secular and the Spiritual

There is an ambivalence of the secular and spiritual in both Taylor and Gandhi, which shows up frequently though never quite compromises the prominence of the spiritual. As we have seen, Gandhi does not separate between religion and morality as done by many modern scholars engaged in rational debate on politics and ethics. Instead, he appeals to three resources for discussing religion: reason, faith, and commonsense. He considers the second of them to be the heart of it, and never believed in the power of rational argument to convince one of religious truth. His Indian cultural context is simply at work here, in this outline of the sources of an identity where the secular and sacred are closely intertwined. Chatterjee states,

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[7] http://www.mkgandhi.org/ethical/morality_religion.htm and also in *Ethical Religion*. Accessed on 12.08.2013.

[8] Charles Taylor, *A Secular Age*, Cambridge: Belknap Press of Harvard University Press, 2007, (Henceforth SA will be given within the body of the text).

> His personal experience of living in a society where the distinction between sacred and profane was a somewhat unnatural one, and where people of very different ethnic types and ways of life were actually living side by side, gave him a unique advantage in thinking out what the shape of a future community might be like.[9]

Gandhi touched the point of contact between his conception of religion and selfhood and political identity, at different instances of his life. He always tried to achieve a *spiritualized politics* which is not to be confused with *theocratic politics.* Personal moral values of the politician and their impact and influence in the making of a modern society were major concerns here. He underscored:

> In my opinion unity will come not by mechanical means but by change of heart and attitude on the part of the leaders of public opinion. I do not conceive religion as one of the many activities of mankind. The same activity may be either governed by the spirit of religion or irreligion. There is no such thing for me therefore as leaving politics for religion. For me, every, the tiniest, activity is governed by what I consider to be my religion.[10]

Gandhi's religion and his understanding of the principles of morality are inseparable. Immorality is what he means by irreligion which is explicit in his work *Hind Swaraj.*[11] Religion is the proper foundation of morality and irreligion is the foundation of immorality. But it is not just a matter of morality alone rather ultimately it is a matter of self-realization. The distinction between secular and spiritual demonstrate human orientation from the immanent to the transcendental. There is a balanced middle between the political and spiritual which Gandhi's pursuit of life inspires one to accomplish. In time of political turmoil, ideological schism, and religious fanaticism, Gandhi appeared to be a secular person with deeply spiritual insights who put forward his own political and economic ideas together with great ideals of religious pluralism for the building of a new India. His style was integral, his aim was harmony, his pursuit was for truth, his life was for service, and his life goal was to attain self-realization.

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[9] Chatterjee, *Gandhi and the Challenge of Religious Diversity*, New Delhi and Chicago: Promilla and Co. Publishers, 2005, 10.

[10] Iyer, ed., *The Essential Writings of Gandhi*, Oxford: Clarendon Press, 1986, 125. A Letter written on May 30, 1932.

[11] M. K. Gandhi, *Hind Swaraj and Other* Writings, ed., Anthony Parel, Cambridge: Cambridge University Press, 1997.

Taylor's navigation between the secular and spiritual is identifiable in his numerous works, most clearly in his *The Varieties of Religion Today* but also in the *Sources of the Self* and *A Secular Age.* In *The Varieties of Religion Today*, after analyzing the Jamesian position of religion he comes out with his own take on it, setting forth his account of the contemporary religious situation, using a genealogical method to show how it has grown out of previous religious dispensations in European history. Taylor is not convinced by the extreme secular narrative of the modern enlightenment thinkers. The first step is to call for an unbiased outlook and open mindedness on the part of modern thinkers, so that one may see a bigger picture of reality that itself modernity sees. This is the effort of *Sources of the Self*, which takes the added step of identifying moral sources which he sometimes calls moral inquiry or inescapable frames.

Taylor also appeals to postmodernist thinkers who trust less in the power of philosophy to prove the existence of truth than in the power of language to persuade us of the possibility of belief.[12] He observes that what were once naïve forms of religion have become reflective in our times, when the distinction between the immanent and transcendental, or the natural and supernatural, is clearly identified in a manner that permits people to choose one or the other in a way that was quite unthinkable in former times. In these and other cases, a distinction is first recognized before an integral harmony is sought. As we have seen, this frank *integral pluralism*[13] is also be found in Gandhi's thinking and action, though of course neither modernity nor secularity are quite the same in India as in Taylor's North-Atlantic.

4. Dilemmas in the Dialectics between Gandhi and Taylor

None of the points of contact or parallel lines that I have identified in the work of Gandhi and Taylor can take away the fact that there are important differences. Taylor is largely a professor in the academic world and on the other hand Gandhi an activist and political figure. Gandhi was an Indian and Taylor a Canadian; Gandhi was a Hindu and Taylor a Christian; Gandhi is remembered as a towering spiritual authority and Taylor is one of the most famous intellectual figures of our times. Gandhi was a strong critic of the western civilization and Taylor is a product of the western civilization; Gandhi was passionate about his religious life and Taylor is more passionate about his philosophical and political aspects of life as compared to his religious beliefs; Gandhi was a pre-modern person with many modern ideas and Taylor is a modern person with many post-modern, post-analytic, and post-religious concerns. They lived in different times, spoke different languages and worked in different cultural contexts. Let us look some more closely at some of this.

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[12] John Patrick Diggins, "The Godless Delusion," Review of *A Secular Age*, by Charles Taylor, *New York Times*, December 16, 2007, Book Review, http://www.nytimes.com/2007/12/16/books/review/Diggins-t.html?pagewanted=all.

[13] Fred Dallmayr, *Integral Pluralism: Beyond Culture* Wars, Kentucky: The University Press of Kentucky, 2010.

4.1. Differences of Emphasis, Articulations, and Purposes

Gandhi, it may seem, tends to sacralise the secular and the moral aspects of human beings, whereas Taylor's orientation seems to be toward a spirituality that recognizes and does justice to both the ethical and the secular. Gandhi depended heavily on his religious tradition, practices, and experience to infuse his private life. In other words, his private life and his political action were oriented toward a transformative sacrality. This makes him an example of what Richard Kearney means by 'sacramental-praxis,' as a model for doing political activity with a religious foundation.[14] It also means that in his thinking and in his writing, he resorts to a *descending method* of narration, where religious and moral flavour that comes from the Absolute eventually makes the secular relatively sacred. Taylor, in contrast, seems to develop an *ascending method* of narration, where the secular feels itself limited and limiting in its secularity, and searches for something that will make its flourishing meaningful and transcendental. His appreciation of the secular immanent frame does not prevent him from exploring an openness toward transcendental realities. Above all Taylor looks for an intellectual contribution to the modern world, and perhaps therefore hesitates at the prospect of a developing a robustly religious ontology and phenomenology. Gandhi never had this reservation or hesitation, and spoke out often, many times prophetically, about his morality, and in fact that they rest on religion. Gandhi was not seeking to develop an ontology and phenomenology of morality, rather a re-reading of Gandhi after reading Taylor makes it clear to us that Gandhi has resources to support an ontology and phenomenology which Taylor carefully and deliberately brings about.

Both seem to have in view some complex relationship of 'transcendent' and 'immanent.' This is developed with special care in

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[14] Richard Kearney, *Anatheism: Returning to God After God*, *Insurrections: Critical Studies in Religion, Politics, and Culture*, New York: Columbia University Press, 2010.

Catholic Modernity,[15] where Taylor re-interprets the Gospel in order to stress its plural, secular, and worldly emphasis in order to make the secular some way open to the sacred. This holds for both the *ascending* and *descending* methods, mentioned earlier.

4.2. Moral Realism and Practical Idealism

Taylor undertook his narrative of a comprehensive theory of morality and self-identity by way of retrievals made within a wider range of moral sources than what modern secular reason tends to accept. There are numerous narrower and one-sided theories of morality and self-identity. Most of these are, according to Taylor, erroneous, biased and unconvincing. Still, whatever its practical implications, the project of Taylor is basically an intellectual one. His grand narratives can take the reader into numerous streams and strata of human intellectual, moral, and religious developments. His effort, and also his skill concentrate on making a reader engage with authors, themes, and concerns in a different way.

When one turns from Taylor to Gandhi, one sees enacted many of the elevated moral, cultural, political and religious concepts the philosopher has retrieved and proposed for our consideration. Here the contrast is between intellectual/rational theories of ethics for modern self-identity, and a realistic or pragmatic exposition of similar ethical concepts in one's own life. And of course, what can be articulated with intellectual precision is often quite inarticulate of the moral life the person attempting to live by it. This is far from questioning Taylor's capacity to measure up to his own concepts, but only to underline Gandhi's spiritual and public interest in being an example of what he said – Gandhi lives out what Taylor is theorizing.[16]

The tension between rational moral concepts and concrete action is a Kantian theme. When Kant states that 'when I choose for myself, I generate a principle for everyone to follow,' he basically leads us forward in an attempt to reconcile personal experience and choice with a principle of universal relevance that might not be either convincing or satisfactory at the level of moral life, even if it is rationally consistent. Much of Taylor's work can be considered to respond to exactly this danger where rationality and its autonomy is solely the decisive factor of human moral aspirations. A rationally 'generated' morality is not convincing since it is again mechanistic and proceduristic in the way it uses reason. Taylor's self is more connected and inter-dependent compared to the autonomous self of Kant. Likewise, but now at a practical level, Gandhi's notion of *satya* and *satyagraha* seems to offer us a better way of universalizing morality by showing us how to internalize personal choices in a religious understanding that can be conducted into the public realm. In Gandhi we find an example of what Taylor attempts to describe, and neither can be reduced to only a defence of rational principle. Gandhi would reframe Kant's moral statement in a form something like 'when I choose for myself, I set an example for everyone.' When one sets an example one is not purposely generating a principle.

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[15] Charles Taylor, *A Catholic Modernity? Charles Taylor's Marianist Award Lecture, with Responses by William M. Shea, Rosemary Luling Haughton, George Marsden, and Jean Bethke Elshtain*, ed., James L. Heft, Oxford: Oxford University Press, 1999.

[16] Gandhi once said, "I am not a visionary, I claim to be a practical idealist." M. K. Gandhi, *Young India*, Ahmedabad: Navjivan, 1919-1932, 11-8-1920.

4.3. Autonomy, Authenticity, and Holistic Harmony

Both Taylor and Gandhi give importance to the autonomy of the self and state. Freedom of the individual and the state is never far from their minds. Taylor's *Politics of Recognition* distinguishes equal dignity for all and recognition of difference of ethnicities. The former concerns (self) autonomy and the latter state concerns (self) authenticity. The distinction is important, for liberal politics ignores many differences in order to make autonomy possible and Taylor opposes the concept autonomy. However, he does not handle this distinction between 'equal dignity' and 'recognition of difference' with complete consistency. As Maeve Cooke has observed,

> there is an unacknowledged tension in Taylor's essay[17] between the ideals of autonomy and authenticity, and these results in contradictions and confusions in his account of the politics of difference. Furthermore, Taylor's reading of the politics of difference is marred by his failure to distinguish sufficiently carefully between various interpretations of the demand for recognition of specific identity.[18]

Taylor seeks a method of standardization that recognizes qualitative distinctions between goods and which would be grounded in an ontology that transcends particular contexts and sets of values. His approach is of course narrative, and aimed at opening practical links to transcendental conditions.

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[17] Charles Taylor, "The Politics of Recognition" in *Multiculturalism and the "Politics of Recognition*," ed., Amy Gutmann, Princeton: Princeton University Press, 1992, 1-112.

[18] Maeve Cooke, "Authenticity and Autonomy: Taylor, Habermas, and the Politics of Recognition," *Political Theory* 25 (1997), 256-258.

Gandhi gives priority to authenticity, of which autonomy is a tool. Yet in both cases – or in any movement toward autonomy: national, political, economic, spiritual – Gandhi is oriented finally to self-realization. But at that point, the idea of autonomy, of self-rule, ceases to be strictly political and instead becomes metaphysical where both autonomy and authenticity becomes means to his self-realization in the sense that he has better access to the Truth. Here one gets the deep roots what Gandhi means by 'self-rule' which again appears quite close to what the *Bhagavat Gita* means by *sthitha-prajna* which refers to a self-ruling, spiritually free person. But this is achieved not through others and not by freeing oneself from others but instead by performing – or entering into agreement with – one's own *dharma* and *karma*. This notion is fully holistic and integral, as is the freedom it entails.

In summary, then, Gandhi's understanding of authenticity, unlike that of Taylor, is not a child of the Romantic Period but rather an offshoot of his assimilation of self-rule with self-realization, on which he depended heavily in his *Experiments with Truth*. In simple terms, we might say that Taylor's understanding of authenticity does not reach to the level of Gandhi's self-realization, but Gandhi's practice of self-rule is inclusive of Taylor's notion of authenticity. At some point he grows up to the level of even abandoning both autonomy and even authenticity not for any intellectual theorizing but for his own self-realization.[19]

5. Conversions and Convergences

I have come to propose some points of convergences on the basis of analysis and reflection of the philosophies of Taylor and Gandhi.

5.1. Exclusive Perspective of Ethics and Secularism to Inclusive Ones

Western secularism has developed from the context of Christianity. Historical instances like renaissance, reformation, counter-reformation, and enlightenment effected the disintegration of Catholicism in the Europe. The evolution of secularism as a movement against the existing religion can be traced back to this particular context. This unique context and the particular form of secularism (anti-religious or exclusive secularism) cannot be attributed to any other context in the world. Encounter with a single religion can never be a reason to speak about the origin and development of secularism in India. In India, I argue, secular constitution was formulated in order to equally recognize all the religions. Constitutional reservations and special recognition of minorities can be seen as a problem and as a prospect of Indian secularism. The principle of recognition is better taken care of in India though its limits have to be acknowledged.

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[19] Chatterjee unravels a deeper possibility of understanding Gandhi's use of terms 'self-realization' and 'God-realization.' This can be understood as the distinction between *Ātman/Brahman* identity and their realizations. Chatterjee, *Gandhi's Religious Thought*, 108.

Western liberal notion of secularism tend to move to a purely humanistic, naturalistic, rationalistic, and finally individualistic direction, without seriously caring for the religious needs of the people. I am not convinced of the potentiality of western secularism to meet the religious needs or expectations of the people since it originated as an anti-religious movement. Here I propose a conversion from an 'exclusive secularism' to an 'inclusive secularism.'

5.2. A Post-Secular Turn to a Post-Religious Affirmation of Religion

Much of this investigation has concentrated on politics and ethics, but not without taking notice of the religious dimensions of Gandhi and Taylor. Contemporary social, political, and religious thought includes a growing number voices claiming that secularism, especially in the western world together with a kind of politics and ethics it propagates, has come to an end and hence we are passing to a new stage. Habermas, in this line, has emphasized the need for a perspective capable of mutuality. He states "Both religious and secular mentalities must be open to a complementary learning process if we are to balance shared citizenship and cultural difference."[20] Thoughts like this seem to concede that the modern claims for 'secular religion'[21] and 'civil religion'[22] have proven unable to diminish or redefine the importance of traditional religion around the world. In fact, as Habermas rightly states, "As the well-to-do, developed societies become progressively more secular, a world society is becoming increasingly religious as a result of higher birth rates in the poorer developing countries."[23]

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[20] Jürgen Habermas, "Secularism's Crisis of Faith: Notes on Post-Secular Society" in *New Perspectives Quarterly* 25 (2008), 17-29.

[21] 'Secular religion' is a term used to describe ideas, theories or philosophies which involve no spiritual component yet still claim to possess qualities similar to those of a religion.

[22] In the eighteenth century, with the growing secularization due to the Age of Enlightenment, Rousseau called for a 'civil religion' based on the duties of the citizen, to provide a non-metaphysical alternative to traditional religion.

[23] Habermas, "Secularism's Crisis of Faith," 6.

I hope to have shown that Taylor's suggestion of a new modern moral identity in fact goes beyond the tenets of secularism; to that extent, he too is a post-secular thinker. But for Taylor, secularism brought home a more reflective religion. Moreover, it called the traditional religions to give more emphasis to the ordinary life of the faithful and their worldly human flourishing together with their spiritual orientation in a life after death. We might also say, with great care, that he is thus post-religious, in so far as he interprets and re-affirms religion in a new way, after a long process of dialectics between the secular and the spiritual, and has accepted that abandonment of a time and a way of life in which traditional religion is taken for granted as the ultimate frame of all meaning.

The thesis of "Morality without religion"[24] has occupied many thinkers for a long time. From the dawn of philosophical thought, there has been a tendency to attempt to free philosophy from theology and myth, on the understanding that the latter served only to support moral development until intellectual maturity no longer needs them. Now, a post-secular outlook enters into positive dialogue with religion, knowing the pathos and positives of religion, though without pretending to simply dissolve the complementarily of the secular and the spiritual' that has motivated much of this present study. Perhaps this is clearer in Taylor's work. But there is an implicit awareness of or may be anticipation of, the spiritual-secular ambivalence in Gandhi's willingness to use the terms 'religion,' 'politics,' and 'morality' as if interchangeable. At important moments, 'religion' seems to have a deep and fundamental meaning, inspiring, as we have seen, the action in which it is enacted:

> Religion is dear to me, and my first complaint is that India becoming irreligious. Here I am not thinking of Hindu, the Mohamedan, or the Zoroastrian religion, but of that religion which underlies all religions.[25] We are turning away from God.[26]

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[24] Certain kinds of *Morality without Religion* designate the aspect of philosophy that deals with morality outside of religious traditions. Modern examples include humanism, freethinking, and most versions of consequentialism. Ancient roots of the same trend can be seen in Scepticism, Epicureanism, Stoicism, and the *charvaka* school of thinking in India. For most such outlooks "Man is the measure of all things." This position also can be identified as *morality without a God.*

[25] "[...] religion which underlies all religions" is a very important concept in Gandhi's political philosophy. Throughout his book *Hind Swaraj* religion can be seen as understood in **two senses**: as a sect or organized religion and as an ethic which is grounded in some metaphysics. Gandhi, *Hind Swaraj*, 42.

Gandhi's notion of religion has gone beyond particular traditions, castes and tribes. This notion of a 'religion which underlies all religions' frames true action in the moral and political sense, but is or could be always embodied in and through particular traditions that are in the world. Gandhi extensiveness of the understanding of God is comprehensive enough to include almost everything as we see it in his following statement:

> God is that indefinable something which we all feel but which we do not know. To me God is Truth and Love, God is ethics and morality. God is fearlessness, God is the source of light and life and yet. He is above and beyond all these. God is conscience. He is even the atheism of the atheist. He transcends speech and reason. He is a personal God to those who need His touch. He is purest essence. He simply Is to those who have faith. He is long suffering. He is patient but He is also terrible. He is the greatest democrat the world knows. He is the greatest tyrant ever known. We are not, He alone Is.[27]

Gandhi thus has a more forceful argument for religion than does Taylor, for whom religion is more of an unmistakable – and important – source, than an immediate practical necessity. Taylor's tendency to even go beyond Christianity and particularly Catholicism will place him a parallel to Gandhi's vision of religion that underlies all religions. In simple terms, while Gandhi gives the impression of looking to religion for the one conception of goodness that can save us, Taylor readily sees 'good' even where 'God' seems not to come into the picture.

As I understand, there is an ongoing 'anti-foundationalism' in Taylor as he continues to retrieve and narrate his story which also can function as a legitimization of his post-metaphysical turn. It is well-known that the late modern attacks on metaphysics aim mainly at the metaphysics that proposes to found all meaning, including religious meaning. In his essay "Overcoming Epistemology," he opposes a mode of philosophy which he calls 'foundationalism.' Human knowing cannot be a disengaged from the life, the activity of reason. In his *Sources of the Self*, where Taylor exhibits a post-metaphysical view and yet an inclination toward at sympathy with theism, he states,

> I am obviously not neutral in posing these questions. Even though I have refrained (partly out of delicacy, but largely out of lack of arguments) from answering them, the reader suspects that my hunch

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[26] Gandhi, *Hind Swaraj*, 42.

[27] Gandhi, *Young India*, 5-3-25, 81.

> lies towards the affirmative, that I do think naturalist humanism defective in these respects – or, perhaps better put, that great as the power of naturalist sources might be, the potential of a certain theistic perspective is incomparably greater ... But I recognize that pointed questions could be put in the other direction as well, directed at theistic views. My aim has been not to score points but to identify this range of questions which might sustain our rather massive professed commitments to benevolence and justice (SS 517-518).

At this point, I argue that one may say that the specific sense in which Taylor's thinking is post-metaphysical represents the necessary link between his understanding of the transcendental frameworks of morality and his own personal theistic commitment to Catholicism. It also explains why he can involve his Catholicism, as the mediating context for his own thinking and acting without dealing directly with the concept of Christian God or of Jesus. Though he was against metaphysical foundations which restrict the meaning of 'transcendence' to mere epistemological and ontological concerns, he has great concern for a metaphysics that respects transcendence that sometimes goes beyond ordinary realms of rationality. This is explicit from his argument for *inescapable frameworks* and his conception of dialogical selfhood.

6. Conclusion

The wide range of themes and topics common to Gandhi and Taylor makes any attempt to study them a 'tough road to travel.' For me this has been a challenge for my own pursuit of truth, which always has an aspiration for new horizons and a fusion of different ones. Both Gandhi and Taylor have inspired thousands and perhaps millions in their pursuit of the meaning of an authentic self and its relative achievements. While Taylor's scholarly comprehension and acuteness excite the reader, Gandhi's emphatic articulation and demonstration of the importance of *experiential* aspects of truth also call powerfully to us. The way they navigate between, and thus normalizes what is otherwise great ambivalence between the secular and the spiritual, religion and politics, ethics and politics, and immanent and transcendental give us much that is important to consider in a new, richer way. The genuineness of their pursuits and realism they express have the power to inspire generations to come.

Perhaps they are most inspiring for us today for integrating politics and ethics, which we accept as modern conditions of our being. An analysis of Gandhi and Taylor from the perspective of politics and ethics has been insightful in many respects. This also has unravelled numerous aspects of the human self-authenticity and its interaction with politics, ethics and religion. With all his elaboration Taylor admits that he is not competent to engage with the non-western world. Even master narratives like that of Taylor's can be a mere intellectual (instrumental) exercise. Even his attempt at *re-enchantment*[28] does not seem to have its impact on the modern world for deeply engaging with God, world and human self. Perhaps the way Taylor wants to re-engage with society, nature and religion could be done better with the model of Gandhi's engagement and disengagement. 'Godless delusion' of Taylor still gives an ambiguity of the importance of religion in his *A Secular Age*, though he wants the self to endorse the goods from it. Taylor's reaffirmation of a moral ontology for the modern world is a positive inspiration for a modern reader. Taylor's contribution to pluralism and multiculturalism through his concept of *The Politics of Recognition* and Gandhi's single most contribution to politics and ethics through the concept of *Nonviolent Resistance* ever remain relevant for our dialectics on politics and ethics. It may be that no intellectual will ever again do quite what Gandhi was able to accomplish, and it may be that one great example is enough. But we still need to re-read and re-define such figures for our times. Here Taylor can help us. I think he can be a good interlocutor to have a conversation between the west and India for a constructive program for the future. He is a prolific writer and a skilled academician whose work in politics may make him unusually sympathetic to Gandhi.

Gandhi's life and teaching continue to influence the world, especially through nonviolent resistance to forces rampant everywhere. Only time will prove the lasting worth of any philosopher and his works. Thomism no longer dominates as it once did. Post-modern thinking has already receded. Secularism has been tested and is still being tested. Post-secular, post-religious, and post-metaphysical transitions hint at limitations within secularism. Regardless of these erosions, changes, and transgressions, it is my belief that Gandhi and Taylor will continue to influence us, since they did not limit themselves to mere parts, but rather tried to bring the greatest number of parts into a whole. Something of this effort will remain, even if other features become obsolete.

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[28] "Re-enchantment" is a term which Taylor borrows from Akeel Bilgrami.

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THE SHADOW OF TRUTH
Ethical Concerns in the Writings of Alexander Solzhenitsyn

Arvind Radhakrishnan◆

Abstract: "One word of truth will outweigh the entire world." These were the words of Alexander Solzhenitsyn while accepting the Nobel Prize in 1974. The twentieth century was the bloodiest century in human history, thanks largely to two ideologies – Fascism and Marxism. While there have been numerous studies on Nazi Germany, there have been relatively few on what transpired in Soviet Russia. This paper examines the contributions of the Russian writer and philosopher Alexander Solzhenitsyn to the understanding of the workings of totalitarianism. Solzhenitsyn wrote numerous works like *The First Circle*, *Cancer Ward* and *The Gulag Archipalego*. This paper will be examining his major work called *One Day in the Life of Ivan Denisovich*. The main intention is to probe the ethical concerns that the writer raises in this work, along with his deep understanding of human nature. This paper also seeks to compare Solzhenitsyn's views with that of thinkers like Jean Paul Sartre and Vaclav Havel. The key query here will be the essence-existence debate that Sartre initiated in his seminal work 'Existentialism Is a Humanism' and an attempt will be made to show how Havel and Solzhenitsyn would differ from Sartre. Finally there will be an attempt to establish how Solzhenitsyn reaffirms Lev Tolstoy's theory of history, according to which history is a process where 'great individuals' play a minimal role.

Key Terms: Ethics, Politics, Totalitarianism, Solzhenitsyn, Sartre, Havel, Existentialism, Humanism, Lev Tolstoy, Human Nature

"If only it were all so simple! If only there were evil people somewhere insidiously committing evil deeds, and it were necessary only to separate them from the rest of us and destroy them. But the line dividing good and evil cuts through the heart of every human being. And who is willing to destroy a piece of his own heart?"

Alexander Solzhenitsyn, *The Gulag Archipelago*

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1. Introduction

Alexander Solzhenitsyn's intellectual life is replete with paradoxes. His demise in 2008 put an end to that extraordinary life, a life committed to ideals of truth and freedom as can be evinced by his prodigious literary writings. A small town high school teacher scaled the heights of world fame. This fame was well deserved considering the quality of his literary works, in which he proved beyond doubt that he was a worthy successor to those giants of Russian literature, Dostoevsky and Tolstoy.[1] However one suspects that his worldwide fame rested quite heavily on his unusual courage, which he displayed in standing up to a criminally unjust Communist regime in Soviet Russia. His convictions and his stubborn refusal to yield to a totalitarian regime changed the course of history. This conviction impressed no less than a leading scholar like Walter Kaufmann to write: "My final example exhibits the most awesome courage: Solzhenitsyn. Rarely has it been so difficult for any man to stand alone, utterly alone, without any prop of any kind."[2] Yet his legacy today remains slightly clouded, as no writer in recent times has been so viciously attacked both home and abroad.

This paper seeks to examine the ethical concerns that Solzhenitsyn displayed in his writings as he fought against a political system that was totalitarian and had scant regard for individual freedom. The courage he displayed in resisting the brutal Marxist regime in Russia makes Solzhenitsyn one of the most important intellectuals in human history. His observations continue to inspire millions of individuals who lead terrible lives under totalitarian and undemocratic societies. The focus of this paper would be on Solzhenitsyn's famous work *One Day in the Life of Ivan Denisovich* and his world famous Nobel Prize speech. It is very important to recall and analyze very closely what Solzhenitsyn had to say on some of the most important philosophical questions of our times.

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[1] Alexander Solzhenitsyn was awarded the Nobel Prize in 1970. He was denied permission to visit Stockholm to receive the award. He was given his Nobel Prize in 1974 in a special ceremony. His Nobel citation read as follows: "The Nobel Prize in Literature 1970 was awarded to Alexander Solzhenitsyn *"for the ethical force with which he has pursued the indispensable traditions of Russian literature.*"

[2] Walter Kaufmann, *Without Guilt and Justice: From Decidophobia to Autonomy*, New York: Peter H. Wyden, 1973, 45.

2. Truth, Faith and Power

Alexander Solzhenitsyn was born to parents of peasant stock on December 11, 1918; but was raised entirely by his mother, his father having died before he was born. He went on to major in mathematics at the University of Rostov-na-Donuand and he learned literature from correspondence courses at the Moscow State University. He fought in WW II and became a captain of artillery; but was arrested in 1945 for writing a letter criticizing Josef Stalin's totalitarian government. He spent eight years in a variety of labour and prison camps and three more years in enforced exile. After his release, he settled in central Russia where he wrote and taught mathematics.

It is quite clear that Solzhenitsyn was inclined towards literary and philosophical pursuits from a very early age. At the age of ten he began keeping a journal containing his literary writings. He called it, rather ambitiously, *The Twentieth Century*. By the time he was in his late teens, he had ambitions to write on the events leading up to the Bolshevik Revolution. This would become his lifelong project, which he would pursue into his seventies, by then named *The Red Wheel.*[3] In his early youth he experienced ideological conflicts between his family's deep Christian faith and values and his professor's Communist indoctrination. This was in the least unusual in Russia at that time. He gravitated towards Marxism-Leninism and like any idealistic youngster joined Communist youth organizations. He would say much later "I did change internally and from that time I became a Marxist, a Leninist and believed in all these things."[4] However this ideological conflict was hardly resolved and would later become the seminal quest of his life.[5]

The Communists' idea of social justice appealed to his consciousness. He was also an 'October child' – born just after the Bolshevik Revolution. This generation were special targets of the regime and were expected to become the 'new Soviet men,' on whose shoulders rested the future of Marxism. As Solzhenitsyn would recount later "The Party had become our father and we – the children-obeyed … I banished all my memories, all my childhood misgivings. I was a Communist. The world would be what we made of it."[6] Later his firsthand experience of Soviet reality would cause him to reverse his attitudes towards the Bolshevik Revolution. He believed that it must be resisted on an ethical platform, on behalf of the human spirit.

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[3] Alexander Solzhenitsyn, *November 1916: The Red Wheel/Knot II*, London: Farrar, Straus and Giroux, 2005.

[4] David Aikman, *Russia's Prophet in Exile: Interview with Alexander Solzhenitsyn*, Time, July 24, 1989, 59.

[5] Edward E. Ericson and Alexis Klimoff, *The Soul and Barbed Wire: An Introduction to Solzhenitsyn*, Delaware: ISI Books, 2008, 6.

Solzhenitsyn's transition from an idealistic communist to a prisoner of the notorious GULAG[7] system is a journey of great suffering and great courage. Gulag camps existed throughout the Soviet Union, but the largest camps lay in the most extreme geographical and climatic regions of the country from the Arctic north to the Siberian east and the Central Asian south. Prisoners were engaged in a variety of economic activities, but their work was typically unskilled, manual, and economically inefficient. The combination of endemic violence, extreme climate, hard labour, meagre food rations and unsanitary conditions led to extremely high death rates in the camps. While the Gulag was radically reduced in size following Stalin's death in 1953, forced labour camps and political prisoners continued to exist in the Soviet Union right up to the Gorbachev era.[8] Solzhenitsyn described this transition in his words.

> In 1941, a few days before the outbreak of the war, I graduated from the Department of Physics and Mathematics at Rostov University. At the beginning of the war, owing to weak health, I was detailed to serve as a driver of horse-drawn vehicles during the winter of 1941-1942. Later, because of my mathematical knowledge, I was transferred to an artillery school, from which, after a crash course, I passed out in November 1942. Immediately after this I was put in command of an artillery-position-finding company, and in this capacity, served, without a break, right in the front line until I was arrested in February 1945. This happened in East Prussia, a region which is linked with my destiny in a remarkable way. As early as 1937, as a first-year student, I chose to write a descriptive essay on "The Samsonov Disaster" of 1914 in East Prussia and studied

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[6] John B. Dunlop, Richard Haugh, and Alexis Klimoff, *Alexander Solzhenitsyn: Critical Essays and Documentary Materials*, New York: Collier, 1975, 537.

[7] The term "GULAG" is an acronym for the Soviet bureaucratic institution, *Glavnoe Upravlenie ispravitel'no-trudovykh LAGerei* (Main Administration of Corrective Labour Camps) that operated the Soviet system of forced labour camps in the Stalin era.

[8] "GULAG-Many Days, Many Lives," Online Exhibit, Centre for History and New Media, George Mason University, 2013.

> material on this; and in 1945 I myself went to this area (at the time of writing, autumn 1970, the book *August 1914* has just been completed). I was arrested on the grounds of what the censorship had found during the years 1944-45 in my correspondence with a school friend, mainly because of certain disrespectful remarks about Stalin, although we referred to him in disguised terms. As a further basis for the 'charge,' there were used the drafts of stories and reflections which had been found in my map case. These, however, were not sufficient for a 'prosecution,' and in July 1945 I was 'sentenced' in my absence, in accordance with a procedure then frequently applied, after a resolution by the OSO (the Special Committee of the NKVD), to eight years in a detention camp (at that time this was considered a mild sentence).[9]

Wartime experiences had exposed him to the viciousness of the Soviet regime but it had not demolished his faith in Marxism. The Gulags did. The first prison camps were located near the Moscow region. He found the psychological humiliation and the mortifying moral compromises unbearable. He began to gain hitherto unimaginable insights into the Soviets' systematic brutalization of innocent people. He discovered the nobility of spirit amongst the so-called 'enemies of the people.' Many of them were Christian believers and the deep sense of faith he saw in them began to influence him. His training in mathematics ensured his transfer from a labour camp to a Soviet *sharashka*, where scientific research was carried secretly in laboratories in the Soviet Gulag labour camp system. After a few months of transfer from various *sharashka*'s in the Volga region, he was consigned for three years to the *sharashka* at Marfino (just a few miles from Moscow).

It is very important to understand the significance of the *sharaska* and its impact on Soviet life to understand Solzhenitsyn's writings on the subject. From the very beginning of the Bolshevik era, the relationship between the political elite (both in the Party and state hierarchies) and the scientific and technical elite was fraught with tension. On the one hand, Party leaders such as Lenin, Bukharin, and Trotsky recognized that scientists and engineers would be indispensable in modernizing Russia. On the other hand, there was a deep suspicion of the scientific and technical intelligentsia because they represented all that the Revolution promised to destroy: bourgeois culture, elitism, and a proclivity for academic concerns removed from the practicalities of the day. Such tension also produced in Bolsheviks a feeling of vulnerability as more and more scientists and engineers became entrenched in key positions in the Soviet economy. As Kendall Bailes has underscored in his classic works, the Soviet leadership used two strategies to resolve this tension, first, they threw the 'old' specialists into jail, and second, they trained a new generation of so-called 'red' specialists, i.e., a younger generation who would be more loyal to the demands to the Bolshevik era. In the former case, the attack on the old scientific and technical intelligentsia was embodied most famously in the Shakty and Industrial Party trials of 1928 and 1930, respectively. Thousands were accused of 'wrecking' the tempo of industrial production; many were sentenced, a few to death.[10]

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[9] Sture Allen, *Nobel Lectures-Literature 1968-1980*, Singapore: World Scientific Publishing Co., 1993, 9.

The years at Marfino would provide a lot of material for *The First Circle*, which many considered as Solzhenitsyn's best work. This work, composed between 1955 and 1968, has characters that are literary doubles of his fellow 'zeks' at Marfino.[11] Two of the key characters, Lev Rubin and Dimitri Sologdin, are based on Solzhenitsyn's closest friends in the *sharashka* Lev Kopelev and Dimitri Panin. Both of them have written memoirs that vouch for Solzhenitsyn's own descriptions in his novel.[12] Gleb Nerzhin, the main protagonist of the First Circle, is based on the author himself. Panin considers this fictional character to be "an extraordinarily truthful and accurate picture" of Solzhenitsyn.[13] Kopelev states that he was then a committed Marxist, Panin was a devout Christian and Solzhenitsyn was a sceptic, who would constantly challenge the positions of the other two. Kopelev writes "Solzhenitsyn said that he used to believe in the basic tenets of Marxism, but then began having more and more doubts. Because he could not believe in the historical analyses of those whose prognoses turned out to be wrong."[14] Solzhenitsyn would constantly evolve during his years of confinement. This would provide material for all his major works. He was later shifted to a labour camp in Kazakhstan, which would provide the inspiration for his work, *One Day in the Life of Ivan Denisovich.*

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[10] Kendall E. Bailes, *Technology and Society under Lenin and Stalin: Origins of the Soviet Technical Intelligentsia*, Princeton: Princeton University Press, 1978, 69-158.

[11] Zek – a Russian slang term for a prison or forced labour camp inmate.

[12] Lev Kopelev, *Ease My Sorrows: A Memoir*, New York: Random House, 1983, 93.

[13] Dimitri Panin, *The Notebooks of Sologdin*, New York: Harcourt Brace Jovanovich, 1973, 263.

[14] Kopelev, *Ease My Sorrows*, 15.

The next part of the paper will deal with some of Solzhenitsyn's major works. His idea of ethics can be understood only if all his major works are analyzed deeply. This paper seeks to examine one work of his as it is symptomatic of his other works. His first major publication was *One Day in the Life of Ivan Denisovich*. This work totally focuses on depictions of prison life in the gulag. The idea of writing such a novel came to him on a typically hard day in a prison camp located in central Kazakhstan. This was the same camp he would describe in *The Gulag Archipelago.*

3. Solzhenitsyn's Vision: Closer to Havel Than Sartre

One Day in the Life of Ivan Denisovich is a very powerful work of fiction and while it does possess similarities with his other works in terms of ethical concerns, it differs in the form and focus. In his longer works he examines the inner life of multiple characters, while in this work he crystallizes his attention on a single central character. This character is a simple peasant and not an alter ego of the educated author. Solzhenitsyn had originally sought to name his novel 'Shch-854,' the depersonalizing number on the protagonist's prison uniform. Ivan Denisovich Shukhov was a German prisoner of war, who escapes to return back to Russia. On his return home, he is falsely accused of being a Nazi spy. Though this is a fictional account, Solzhenitsyn was merely representing the predicament of multitudes who shared the same fate. In this book he attempts to narrate the experiences of a man in the Gulag, in one single day. The narrative is in third person, which conveys the protagonist's innermost thoughts. Yet the objective descriptions are akin to a first person narration. This mode of narration almost collapses the distinction between the protagonist and the narrator. His subjectivity is expressed in an unmediated form.

Life in the prison camp was a terrible ordeal for anyone. Ivan being a simple person, however, does not react to the terrible humiliation that the 'zeks' are subjected to. The descriptions of the living conditions tend to evoke a very strong reaction in the reader's mind. However the perplexing aspect is that Ivan himself is rather stoic about the whole thing. He is remarkably understated in his reactions to his brutal surroundings. The understatements are deliberate, a mode by which Solzhenitsyn drives home the book's central concern – Can a man who is warm understand one who is freezing?

Ivan possesses a deep ethical core, which shines through all the misery and squalor. He is part of a brigade whose job is to lay cinder blocks all day long in the terrible and bitter cold. Though he has no affection for his political masters (Stalin is always an unseen presence), he rather strangely takes pride in his work.[15] This could be interpreted as a case of existence not affecting the true human 'inner essence.' Solzhenitsyn's own life can be seen an excellent example of this principle.[16]

Ivan's essence is what makes him feel 'content' and he almost comes close to declaring this work day as 'a happy one.' The savage conditions have not brutalized his inner ethical core. He in fact remains overtime to finish his task of bricklaying. The political system cannot wipe out his humanism towards his fellow zeks. The book also showcases many other characters who share a similar worldview, especially Alyoshka the Baptist for whom a deep sense of faith is the solution to political tyranny.

He is a selfless and honest man whose deep faith in God provides him with answers to how the human spirit can overcome such terrible and unjust suffering. Ivan does not possess this ability. What makes Alyoshka's suffering even more unjust is the fact that he and other Baptists have been handed out severe twenty five year prison terms for no other reason than for merely being religious. While Ivan agrees with Alyoshka that divine providence matters, he disagrees with him when the Baptist states that he is glad to be in prison because "here you have time to think about your soul."

The focus of the writer remains Ivan Denisovich. There appears to an unarticulated life force that allows him to retain his humanity, even under the most degrading conditions. This is an unexplained essence that renders him humane even in unbearable situations. The book ends with Ivan thinking about this single day in his life. He ruminates over the day's events and calls it "an unclouded day." This would probably shock the reader because Ivan has been subject to so many humiliations during the day that one would rationally expect him to lash out violently against the system that has rendered him servile. However he refuses to do any such thing. His essence is unchanged and he does not transform into a violent creature, like the state that is punishing him.

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[15] Born on December 18, 1879, in Gori, Georgia, Joseph Stalin rose to power as General Secretary of the Communist Party, becoming a Soviet dictator upon Lenin's death. Stalin forced rapid industrialization and the collectivization of agricultural land, resulting in millions dying from famine while others were sent to camps.

[16] Karl Marx was of the view that one's social and economic material conditions affect and shape one's inner consciousness or 'essence.' This clearly opposed Hegel's viewpoint that the essence shaped human existence. Marx had supposedly inverted Hegel.

One can explore more deeply the ethical dimensions that Solzhenitsyn raises by examining the writings of the French philosopher Jean Paul Sartre.[17] In his famous essay "Existentialism Is a Humanism," Sartre proposes the idea that "existence precedes essence" meaning that a personality is not built over a previously designed model or a precise purpose, because it is the human being who chooses to engage in such enterprise. Therefore, to Sartre an oppressive situation is not intolerable in itself, but once regarded as such by those who feel oppressed the situation becomes intolerable. So by projecting my intentions onto my present condition, "It is I who freely transform it into action." When he said that "the world is a mirror of my freedom," he meant that the world obliged me to react, to overtake myself. It is this overtaking of a present constraining situation by a project to come that Sartre names transcendence. He added that "we are condemned to be free."

When it is said that man defines himself, it is often perceived as stating that man can 'wish' to be something – anything and then be it. According to Sartre's account, however, this would be a kind of bad faith. What is meant by the statement is that man is (1) defined only insofar as he acts and (2) that he is responsible for his actions. To clarify, it can be said that a man who acts cruelly towards other people is, by that act, defined as a cruel man and in that same instance, he (as opposed to his genes, for instance) is defined as being responsible for being this cruel man. Of course, the more positive therapeutic aspect of this is also implied: You can choose to act in a different way, and to be a good person instead of a cruel person. Here it is also clear that since man can choose to be either cruel or good, he is, in fact, neither of these things *essentially*.[18] To claim that existence precedes essence is to assert that there is no such predetermined essence to be found in humans, and that an individual's essence is defined by him or her through how he or she creates and lives his or her life. As Sartre puts it in his "Existentialism Is a Humanism": "man first of all exists, encounters himself, surges up in the world – and defines himself afterwards."[19]

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[17] Born on June 21, 1905, in Paris, France, Jean-Paul Sartre was a pioneering intellectual and proponent of existentialism who championed leftist causes in France and other countries. He wrote a number of books, including the highly influential *Being and Nothingness*, and was awarded the Nobel Prize in 1964, though he turned it down.

[18] Joseph S. Catalano, *A Commentary on Jean-Paul Sartre's Being and Nothingness*, Chicago: University of Chicago Press, 1985.

This framework was challenged by the Czech writer, philosopher and statesman Vaclav Havel.[20] Havel in speaking of life under a Communist type of totalitarian system, proclaimed that "The specific experience I'm talking about has given me one great certainty: Consciousness precedes Being, and not the other way around, as Marxists claim," thus showing the philosophical and spiritual importance of a political issue, arguing that the communist totalitarianism as such ran contrary to any and all intuitions of the general population, who held steadfast to their beliefs, customs and traditions, even in secret, despite the measures taken against them, who in effect continued to identify themselves as indigenous Slavic populations, and not as communists. Thus Havel argues that, indeed, essence (consciousness) *precedes* existence (being), and not the other way around, since human nature as such, i.e. the *conscious* act of self-reflection and – identification, embedded in, conditioned and cultivated by a traditional foundation will always remain present; even after having been 'liberated' from such 'superstition'.[21]

Solzhenitsyn's position would be very similar to Vaclav Havel's. Havel would say in "The Politics of Hope": "In my own life I am reaching for something that goes far beyond me and the horizon of the world that I know; in everything I do I touch eternity in a strange way." With this grounding, politics becomes "the universal consultation on the reform of the affairs which render man human."[22] Solzhenitsyn in this work as well as his other major works like *Cancer Ward* and *The First Circle* has protagonists like Oleg Kostoglotov and Gleb Nerzhin who while being intellectually superior to Ivan, share a similar worldview. Their inner essence remains unchanged, no matter what the political system tries to do to them both physically and mentally.

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[19] "Existentialism Is a Humanism," by Jean-Paul Sartre, translated by Bernard Frechtman, was originally published in 1945, and reprinted in *Existentialism and Human Emotions*, New York: Philosophical Library and Carol Publishing Co., 1985.

[20] Václav Havel was a prominent participant in the liberal reforms of 1968, and, after the Soviet clampdown on Czechoslovakia, his plays, which explore the self-delusions and moral compromises that characterize life under a totalitarian system, were banned. Havel was elected president of Czechoslovakia in July 1990, becoming the country's first noncommunist leader since 1948.

[21] Václav Havel, "*Politics and Conscience*" in *Open Letters: Selected Writings*, ed. Paul Wilson, New York: Random House, 1985, 249-71.

[22] Vaclav Havel, *Disturbing the Peace: A Conversation with Karel Hvizdala*, trans. Paul Wilson, New York: Vintage Books, 1990, 189.

Havel exemplified this point in his lecture at the Stanford University. Havel referred to 'unconscious experience' as well as to 'archetypes and archetypal visions.' His point was that cultures formed thousands of years ago, quite independently of one another, nevertheless employ the same basic archetypes. This suggests that "there exist deep and fundamental experiences shared by the entire human race." Further, "traces of such experiences can be found in all cultures, regardless of how distant or how different they are from one another. . . . the whole history of the cosmos, and especially of life, is mysteriously recorded in the inner workings of all human beings. This history is projected into man's creations and is, again, something that joins us together far more than we think."[23]

The idea is extended even further: "After thousands of years, people of different epochs and cultures feel that they are somehow parts and partakers of *the same integral Being*, carrying within themselves a piece of *the infinity of that Being*." In the final take, Havel asserts that "all cultures assume the existence of something that might be called the *Memory of Being*, in which everything is constantly recorded."[24] The guarantees of human freedom and personal responsibility lie neither in programs of action nor in systems of thought, but in "man's relationship to that which transcends him, without which he would not be and of which he is an integral part."[25] Solzhenitsyn's *One Day in the Life of Ivan Denisovich* as well as his later writings would also emphatically endorse this view of Havel.

4. The Responsibility of Writers: Evolving a Common Scale of Values

Alexander Solzhenitsyn always understood himself to be above all a writer rather than an activist. However the extraordinary range of his philosophical concerns, especially with ethics and the protection of human liberties and the long standing impact of his works on the human rights discourse make him something of an extraordinary figure. No other writer has had such an impact on the twentieth century. Which other writer could claim to have brought down the 'evil empire' built upon what Solzhenitsyn himself called as the twin pillars of violence and 'the lie.' The lie refers to the ideology of Marxism, which promised people a utopia on earth and gave them untold misery instead. He can be equated with Lev Tolstoy, who was considered by his countrymen as the 'second government,' a defender of humanism.[26]

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[23] Vaclav Havel, "The Spiritual Roots of Democracy," retitled and published as "Democracy's Forgotten Dimension," *Journal of Democracy* 6, 2 (1995), 3-10.

[24] Havel, "The Spiritual Roots of Democracy," 3.

[25] Havel, "The Spiritual Roots of Democracy," 7.

Solzhenitsyn embodies multiple roles, that of writer, historian and philosopher. In this he willingly adheres to a Russian literary tradition which has always refused to make distinctions between the concerns of literature, ethics and politics. This is sometimes in contradiction to the Western literary traditions where the categories of fiction and non-fiction are seen as very distinct categories. Russian literature, especially of the 19th century, did not perceive literary excellence as merely being the ability of a powerful creative mind to produce a fictional world. The more seminal responsibility was to make sense of the real world with its social and moral problems. Solzhenitsyn prefers to depict the real world of communist Russia with its brutal Gulag system and its notorious secret police. It was a dystopian world where the free will of citizens was crushed beyond recognition.

Solzhenitsyn's Nobel Prize lecture reveals the unity of his 'social' and 'artistic' concerns. The Nobel Lecture showcases the harmony between his literary and political concerns. It shows how one can write without overtly politicizing art or ignoring the obligation a writer owes to society. He talks about the social responsibility of artists and the role that 'world literature' can play in evolving a 'common scale of values.' He refers to how art is a gift that resists every human effort to master it. Art has been subject to various attempts by humans to "adapt it … toward transient political or limited needs."[27] However, art transcends such ulterior motives. He then talks about two kinds of writers. The first he calls the one with the 'modern' view of his role. Here the writer "imagines himself the creator of an autonomous spiritual world. He hoists upon his shoulders the act of creating the world and populating it, together with the total responsibility for it."[28]

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[26] The publication of *War and Peace* and *Anna Karenina* made Tolstoy so famous that one contemporary described him as Russia's second Czar. He used that position against the state, as well as the police, the army, meat eating, private property and all forms of violence.

[27] Alexander Solzhenitsyn, *Nobel Lecture*, New York: Farrar, Straus and Giroux, 1972.

Solzhenitsyn opposes this kind of writer, because he believes that no human being, not even a 'genius,' can build a 'balanced spiritual system' upon the illusion that man is the 'centre of existence.' He rejects 'anthropocentric humanism,' as he feels that it becomes a wilful confusion of man with God. It is very similar to Nietzsche's *Will to Power*, where man has declared the death of God and proclaims "We are the Gods."[29] Solzhenitsyn rejects this Nietzschean tendency which seems amply evident in modern society.

According to him, there is the second kind of artist who recognizes above himself a higher power and works as a humble apprentice under God. This artist has a far greater responsibility than the first because he rejects every form of self assertion. This is the outcome of a self awareness that he did not create the world and hence has no right to even claim that he can control it. Here Solzhenitsyn introduces the concept of beauty. He is responding to the remark made by Dostoevsky that "Beauty will save the World."[30] He is of the view that the modernist approach rejects the role that beauty can play in providing an existential verification of the natural order. Solzhenitsyn states in his lecture,

> One day Dostoevsky threw out the enigmatic remark: "Beauty will save the world." What sort of a statement is that? For a long time I considered it mere words. How could that be possible? When in bloodthirsty history did beauty ever save anyone from anything? Ennobled, uplifted, yes – but whom has it saved? There is, however, a certain peculiarity in the essence of beauty, a peculiarity in the status of art: namely, the convincingness of a true work of art is completely irrefutable and it forces even an opposing heart to surrender. It is possible to compose an outwardly smooth and elegant political speech, a headstrong article, a social program, or a

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[28] Solzhenitsyn, *Nobel Lecture*, 5.

[29] Friedrich Nietzsche was born on 15 October 1844, in Röcken bei Lützen, Germany. In his brilliant but relatively brief career, he published numerous major works of philosophy, including *Twilight of the Idols* and *Thus Spoke Zarathustra*. In the last decade of his life he suffered from insanity; he died on 25 August 1900. His writings on individuality and morality in contemporary civilization influenced many major thinkers and writers of the twentieth century.

[30] This remark is attributed to Prince Myshkin in Dostoevsky's work *The Idiot*.

> philosophical system on the basis of both a mistake and a lie. What is hidden, what distorted, will not immediately become obvious. Then a contradictory speech, article, program, a differently constructed philosophy rallies in opposition – and all just as elegant and smooth, and once again it works. Which is why such things are both trusted and mistrusted. In vain to reiterate what does not reach the heart.
>
> But a work of art bears within itself its own verification: conceptions which are devised or stretched do not stand being portrayed in images, they all come crashing down, appear sickly and pale, convince no one. But those works of art which have scooped up the truth and presented it to us as a living force – they take hold of us, compel us, and nobody ever, not even in ages to come, will appear to refute them. So perhaps that ancient trinity of Truth, Goodness and Beauty is not simply an empty, faded formula as we thought in the days of our self-confident, materialistic youth? If the tops of these three trees converge, as the scholars maintained, but the too blatant, too direct stems of Truth and Goodness are crushed, cut down, not allowed through – then perhaps the fantastic, unpredictable, unexpected stems of Beauty will push through and soar *to that very same place*, and in so doing will fulfil the work of all three?
>
> In that case Dostoevsky's remark, "Beauty will save the world," was not a careless phrase but a prophecy? After all *he* was granted to see much, a man of fantastic illumination. And in that case art, literature might really be able to help the world today?"[31]

This idea is evident when one examines his *magnum opus The Gulag Archipelago*, which is very faithful to facts and contains profound discussions on historical and legal matters. However he subtitled the work as "an experiment in literary investigation," evidently anointing it as a work of art. This is probably the reason why in spite of so many books on the workings of totalitarianism or the dreaded Gulag system, none has moved our hearts and minds like this work.

Solzhenitsyn then goes on to explore how literature can bridge the 'yawning chasm' that separates peoples and cultures in the world. What really inspired him to initiate this process is the difficulty people living in the Communist world had in making the Western world understand the totalitarian experience. The insensitivity and inability of people to understand suffering are linked, according to him, to how humans come to comprehend the world and forge their 'scale of values.'

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[31] Solzhenitsyn, *Nobel Lecture*, 6.

5. Conclusion

Solzhenitsyn has through his extraordinary works and his own exemplary courage inspired generations of writers and defenders of human rights. His works have exposed the 'Lie' that Marxism perpetuated in the Soviet Union by indoctrinating millions of citizens and banishing those who questioned the ethical foundations of the Soviet state. Sadly while being a highly respected figure, his legacy has remained undervalued in the opinion of the author. When the Soviet Union collapsed and the Cold War ended, leaders like Ronald Reagan and Margaret Thatcher were praised to the high skies. The media extolled the virtues of the western political leaders who were credited for bringing down the 'evil regime' of communism. What about Solzhenitsyn and the millions of other 'zeks' like him? Did they not play an even more important role in bringing down the tyrannical communist regime from within? What would be the historical assessment of their contributions?

Historians almost always seem to be obsessed with 'great individuals' and they almost singularly focus on their achievements. Historical epochs are identified with kings and military leaders who appear to be solely responsible for great military victories. This narrative seems to miss out on the contributions of ordinary people who have also played a major role in transforming history. An alternative to this is the theory of history put forward by the great Russian writer and social reformer Lev Tolstoy. In his great work *War and Peace* he expounds his theory of history. Tolstoy shatters the concept of individuals single-handedly transforming history. He looks at the French invasion of Russia in 1812 from a very different perspective. Most historians focused on the military genius of either Napoleon or Alexander I (the then Tsar of Russia) and attributed to them extraordinary qualities that apparently enabled them to change the course of history. Tolstoy disagrees.

He argues: "In historical events so-called great people, are labels, giving a name to an event, who, like labels, least of all have a connection to the events themselves."[32] For Tolstoy both Napoleon and Alexander I are ordinary men. *War and Peace* reflects these opposite tensions in the author's own psychological make-up. It is a novel about aristocratic heroes, who are allowed their stories and sense of rational control, whereas history itself is driven by the inchoate passions of the masses – that ‘unconscious life of the human swarm.’ Nevertheless, as Tolstoy says: “In history fatalism is unavoidable in order to explain irrational phenomena.” History appears to have its own inevitability, and this, along with the negation of the possibility of leadership, raises the philosophical question of free will; it also raises another important issue for Tolstoy himself, a concern shared by Solzhenitsyn – the role of God in human affairs.[33]

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[32] Lev Tolstoy, *War and Peace*, New York: Knopf Doubleday Publishing, 2012.

Tolstoy blames professional historians for making two seminal mistakes. They take one arbitrary strand of continuous events and examine them in isolation, and secondly they view the actions of one man, be he a tsar or a military general, as expressing the sum of the people’s arbitrary will. He ends the section by proposing his own historical method, which is to leave aside tsars, ministers and generals “but to study the similar, infinitely small elements, which guide the masses,” although he admits “No one can say to what extent it is possible for man to understand the laws of history by this means.” Nevertheless, the study of history in its present form is highly subjective, as he will later suggest: “With every year, with every new writer, we see that the view changes of what constitutes man’s good, so that, in ten years’ time what seemed good is presented as evil and *vice versa*.”[34]

Applying Tolstoy’s theory of history Solzhenitsyn’s legacy appears to take on a different hue. Solzhenitsyn and the millions of zeks who retained their sense of ethics by fighting the brutal communist system will be better represented by this approach to history. It was the effort of numerous individuals that changed history. As Solzhenitsyn would aptly put it “One word of truth will outweigh the entire world.”[35]

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[33] Solomon Volkov, *The Magical Chorus: A History of Russian Culture from Tolstoy to Solzhenitsyn*, New York: Vintage Books, 2009, 5-7.

[34] Solomon Volkov, *The Magical Chorus*, 41.

[35] The conclusion of his Nobel Lecture speech.

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POLITICS AND ETHICS OF THE WELFARE STATE

Cheriyan Alexander◆

Abstract: The welfare state is often considered the crowning glory of the democratic form of government. The ethic and ideal of social welfare is, however, as old as the ancient civilisations. The scriptures of the major religious traditions of humanity are replete with references to the duty of the well off towards the poor and the vulnerable members of society and also to the vision of a just socio-economic order. However, when it comes to the means of realizing such a social order, there are two competing ethical paradigms, one calling for direct and maximal state involvement in welfare through the setting up of a publicly financed social security programme, and the other arguing that the free market is the best mechanism for ensuring social justice. Today, we find ourselves in an era of global economic crisis and the question of a fiscally sustainable welfare state generates intense debate across the political spectrum. This paper presents a historical overview and attempts an analysis of the ethical principles at play in this debate.

Key Terms: Social Justice, Social Security, Ethics, Politics, Welfare State, Free Market, Constitution, Democracy

1. Introduction

Fans of Charles Dickens will vividly recall the scene from the early pages of his novel, *Oliver Twist*, in which Oliver, the young orphan inmate of the workhouse, shocks the entire institution by daring to walk up to the master with his empty porridge-bowl and ask, "Please, sir. I want some more."[1] Oliver is quickly pummelled to the ground and bundled off to be apprenticed to an undertaker. Such episodes from the novels Dickens wrote did a lot to raise public awareness about the horrible conditions prevalent in the social welfare institutions of Victorian England. For

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[1] Charles Dickens, *Works of Charles Dickens*, *Oliver Twist*, vol. 1, New York: Townsend & Co., 1861, 35.

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readers today, it brings into sharp relief the paradoxes inherent in attempts to institutionalize charity.

A little earlier in the novel, Dickens writes about the motivation that animates the board that runs the workhouse, established on the basis of the new poor laws passed by parliament:

> The members of this board were very sage, deep, philosophical men; and when they came to turn their attention to the workhouse, they found out at once, what ordinary folks would never have discovered – the poor people liked it! It was a regular place of public entertainment for the poorer classes; a tavern where there was nothing to pay; a public breakfast, dinner, tea, and supper all the year round; a brick and mortar Elysium, where it was all play and no work. 'Oho!' said the board, looking very knowing; 'we are the fellows to set this to rights; we'll stop it all, in no time.' So, they established the rule, that all poor people should have the alternative (for they would compel nobody, not they), of being starved by a gradual process in the house, or by a quick one out of it. With this view, they contracted with the water-works to lay on an unlimited supply of water; and with a corn-factor to supply periodically small quantities of oatmeal; and issued three meals of thin gruel a day, with an onion twice a week, and half a roll on Sundays.[2]

The sarcasm with which Dickens treats the subject might make us think this was a cruel system because it appears that in the name of taking care of the welfare of the poor and disadvantaged members of society, the state was in fact administering a remedy that was worse than the disease. In its defence the state could very well have taken the line that a minimal level of assistance, even if it was humiliating, was better than total abandonment of the poor. It was a debate that was never quite settled and the ethical questions relating to welfare systems operated by the state don't easily resolve themselves even in our times.

2. Welfare State Model: The Present Crisis

The ideal and the practice of the modern welfare state, evolving as it did in stages from the 18th Century 'Age of Enlightenment' in Europe and finding its culmination in the cradle-to-grave security offered to citizens by governments in France and Scandinavia, has been hailed as the realization, on a large scale, of the ethical ideal of compassionate care articulated in all the major religious traditions. This was the thinking that also animated some of the founding fathers of the modern Indian nation. Ever since India emerged as a sovereign republic, the broad outlines of a state-directed welfare framework was enshrined in the Constitution and successive governments vied with each other to realize this or that component of the welfare state, albeit in a piecemeal fashion and through a process riddled with implementation hurdles and rampant corruption.

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[2] Dickens, *Oliver Twist*, 34.

Today, all over the world the institution and the ideal of the welfare state are under siege. In countries which until recently proudly boasted social security protection for every citizen – the United States, Britain, France, Greece, and even some Scandinavian countries – the welfare state is to a significant extent being dismantled to the detriment of the most vulnerable segments of society. A case in point is the current situation in France, where it has become the unfortunate responsibility, ironically, of the *socialist* President, Francois Hollande to cut back on France's celebrated pension and allied welfare schemes, owing to a number of inevitable factors. A key reason has been the demographic imbalance stemming from low birth rates and increasing life expectancy, leading to a much smaller working age population which can be taxed in order to fund pensions for the elderly. It is a well known fact today that communism in the former Soviet Union and its satellite nations in Eastern Europe simply collapsed (in the 1990s) because it couldn't compete in an increasingly globalised economic system. China has retained communism in the political structure but has virtually abandoned it in the economic domain, embracing state-directed market capitalism to generate wealth. Cuba, a communist state that somehow managed to survive the collapse of communism elsewhere is now finding that it has to cut back on what the state can provide simply because it is difficult to get the revenue needed to retain every feature of its once comprehensive welfare edifice. Earlier this year, the politburo member in charge of the government's economic reforms announced what amounted to a measure of privatisation, as this report from *The Economist* makes clear:

> Mr Murillo, a burly economist who is in charge of implementing economic reforms (officially dubbed "updating"), stressed that the core of the system remained "social property". But he also talked of "wealth creation" and the need for "price signals" and "market factors". "Life has shown that the state can't do everything," he said.

> "Success will lie in how to maintain macro balance while giving space to the market and wealth creation."[3]

Under 313 "guidelines" approved by a Communist Party Congress in 2011, Raúl Castro is trying to revive the island's moribund economy by transferring a chunk of it from state to private hands and by streamlining a cumbersome central-planning system. So far the changes have centred on farming and small business.[4]

Even in India there is an unstable see-saw between politically motivated populist welfare measures and cutbacks dictated by severe fiscal limitations. There are a variety of reasons for this – bureaucratic ineptitude, the rise of neoliberal corporate vested interests, the profligacy of large government schemes that result in the benefits flowing to anyone but the intended beneficiaries, and so on.

3. Clash of Ethical Paradigms

When it comes to the philosophical level, there appears to be a clash between two broad ethical paradigms in our time – between the ideology of welfare economics and that of the 'free' market. Both claim ethical imperatives as their driving force. If the welfare state ideologies date back to religious and ethical injunctions ranging from Sabbath, Jubilee, Charity, (of Judeo Christianity), to socially engaged Buddhism and Loka Kalyana in Hinduism, the free-market emphasis on fiscal prudence and the work ethic, accompanied by condemnation of the social parasite can also be traced back to very early ethical frameworks, especially in the Judeo-Christian tradition and Confucianism.

This paper will attempt to provide a brief overview of the historical factors that led to the establishment of the welfare state and a brief analysis of its present state of crisis.

4. Social Welfare: A Brief History

In the sacred texts of Judaism (co-opted by Christianity under the rubric 'Old Testament') there are innumerable references to the creation of a just society as one of the imperatives that flow from divine action. The first book of the Torah (Genesis) inscribes the origins of the Sabbath, the weekly day of rest, into its mythos of the creation of the world by divine fiat (Genesis 2:2, 3). In the next book it is sought to be legitimized by nothing less than divine action, since God himself is presented as resting from his prodigious work of creation (Exodus 20:11). Decreeing a day of rest, especially in a context where the toiling masses constituted the majority, was undoubtedly a contribution to their well-being. The Sabbath imperative is also applied to agricultural practice, as in the requirement to let the land lie uncultivated every seventh year, so as to make surplus food crops available to the poor (Exodus 23:10, 11).

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[3] *The Economist*, June 22, 2013http://www.economist.com/news/europe/21579827-socialist-president-who-has-no-alternative-cut-pension-and-welfare-spending-faces,<accessed on 1 November, 2013>

[4] *The Economist*, July 20, 2013 http://www.economist.com/news/americas/21581990-and-eventually-perhaps-one-currency-tempo-reform-accelerates-money-starts, <accessed on 1 November 5, 2013>

Another notable feature of the social welfare system enjoined by ancient Judaism was the observance of the 'year of Jubilee' every fifty years. The twenty fifth chapter of the book of Leviticus is replete with instructions about Jubilee requirements. It was to be a time for universal debt cancellation. All debt had to be written off and properties taken as collateral had to be returned to the debtor who had pledged them, regardless of the quantum of repayment made. This was a way of reducing rural indebtedness and ensuring that succeeding generations did not start life at a huge disadvantage owing to inherited debt burdens.

The question raised by Cain, "Am I my brother's keeper is answered in the affirmative by the long line of Hebrew prophets starting with Isaiah, who conveys to the people God's emphatic words urging them to build a just society, "to seek justice, rescue the oppressed, defend the orphan, plead for the widow" (Isaiah 1:17).

The ethical basis of the establishment of a welfare state was further underscored by Jesus of Nazareth, whose life and teachings served as the inspiration for the founding of Christianity. Jesus, rooted as he was in the Jewish prophetic tradition, summed up his social ethic by re-stating the well-known golden rule in positive rather than negative terms: "Do to others what you would have them do to you" (Luke 6:31), thus offering a praxis of welfare rather than a mere doctrine. In the various traditions of Christianity, this injunction has been manifested as the commitment to charity and social welfare. In India, this can be seen in the numerous hospitals and schools started by Christian missions.

There is one recorded instance of a sort of early Christian 'communism' in the New Testament, which speaks of the followers of Christ in Jerusalem selling all their possessions and voluntarily redistributing the proceeds according to the needs of the members (Acts of the Apostles 4:32-37). The monastic traditions that later sprouted out all over Christendom can be seen as attempts at community living and need-based redistribution of resources, albeit on a small scale in isolated monasteries exclusively for celibate members, somewhat akin to the Buddhist monastic traditions. In the era of high capitalism that ensued after the Industrial Revolution, acts of philanthropy on the part of rich capitalists like John D Rockefeller were hailed as the extension into a secular age of the Christian ideal of charity.

In the Hindu tradition, the popular mantra "*Loka samastha sukhinobhavantu*" (May all beings everywhere be happy and free), points to the desire for the well-being of all. Mohandas Gandhi drew inspiration from Vaishnavaite spirituality, the tradition in which he had been raised, to formulate his paradigm of social welfare – the idea that selfless service to the most disadvantaged sections of society was identical with service to God. In 1929, he wrote: "*Daridranarayan* is one of the millions of names by which humanity knows God who is unnamable and unfathomable by human understanding, and it means God of the poor, God appearing in the hearts of the poor."[5] Social welfare and redistribution of wealth through charity is also a strong element in Islamic teaching, with the affluent being required to contribute to the welfare of the poor.[6]

While the promotion of social welfare constitutes one of the core tenets of the ancient sacred traditions, they nevertheless also contain numerous warnings of the risks involved in institutionalizing charity. The book of Proverbs in the Bible contains ancient Jewish statements inveighing against subsidizing the lazy. One of them puts it this way: "Like vinegar to the teeth and smoke to the eyes, so are the lazy to their employers" (Proverbs 10:26) There are scores of such admonitions scattered through the book of Proverbs and other sacred texts. This critique has taken various forms all through subsequent history. The ethical argument invoked for the purpose is based on the injustice done to the hardworking members of society. Forcing taxes out of the latter to pay for the 'undeserving' poor has been seen as unethical by critics of massive welfare programs, regardless of whether these are undertaken by religious institutions or by the state.

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[5] M. K. Gandhi, *Young India*, 4-4-1929, 110 as found in E-book version of *The Mind of Mahatma Gandhi: Encyclopedia of Gandhi's Thoughts*, R. K. Prabhu & U. R. Rao, eds., Ahmedabad: Navajivan, 1967, (http://www.mkgandhi.org/ebks/mindofmahatmagandhi.pdf p. 194, <Accessed on Nov 5, 2013>

[6] "Muhammad and the Religion of Islam," *The Encyclopedia Britannica: Macropedia*, 15th ed., 2007.

Implicit in such critiques is also the argument that the poor are often to blame for their own poverty. In the case of the workhouse system as described by Dickens, the administrators of the welfare projects of Victorian England set up workhouses for able-bodied recipients of welfare funds from the public coffers. Following the poor law legislations of the 1830s, there was an attempt to clearly differentiate between the 'deserving poor' and the 'undeserving poor.' In return for doles that kept them at mere subsistence levels, the undeserving poor could be made to toil away in workhouse settings that were deliberately kept somewhat bleak as a disincentive for the potentially indolent.[7]

The roots of the secular idea of a just social order can be traced back to two pan-European intellectual and cultural movements – the Renaissance (16th century) and the Enlightenment (18th century). As a result of the influence of these movements, the power of the church over people's daily affairs began to weaken in Europe and the secular era began, bringing with it more secular articulations of the welfare ideal. The thinkers of the Enlightenment were among the first to present elaborate theories of society including the broad outlines of a system to secure social justice. For Adam Smith, the state could promote social justice by ensuring that its citizens were free to pursue their economic self-interest. Given such a condition, the free market would eventually settle the just price of each commodity as also the just wage of each person's labour, both of which would be arrived at through the operation of what Smith famously called 'the invisible hand' [his metaphor for market forces]. John Locke argued for another essential requirement of such a paradigm, namely, the guarantee by the state that private property, acquired by the industrious through lawful means, would be protected. Beyond this, neither thinker advocates much of a welfare role for governments but would rather let private philanthropy take care of the desperately poor.

By the mid-nineteenth century, opponents of the classical laissez-faire doctrines articulated by thinkers like Locke and Smith began to express their contrarian positions. These were the early anarchists, socialists and, eventually, Marx and his followers. Proudhon made his now-famous declaration 'property is theft' in 1840, inaugurating an era of new debate on the ethicality of vast wealth in private hands. The idea of public ownership of the means of production became the cherished goal of the Marxist campaign for a just social order, a goal which could only be realized through the revolutionary uprising of the international industrial proletariat. Marx and Engels held in contempt both the Christian notion of charity and its secular manifestation in the form of philanthropy. Friedrich Engels in his *Condition of the Working Class in England* (1845) denounces charity and philanthropy in strong words:

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[7] Richard D. Altick, *Victorian People and Ideas*, New York: Norton, 1973, 122-125.

> They who have founded philanthropic institutions, such as no other country can boast of! Philanthropic institutions forsooth! As though you rendered the proletarians a service in first sucking out their very life-blood and then practising your self-complacent, Pharisaic philanthropy upon them, placing yourselves before the world as mighty benefactors of humanity when you give back to the plundered victims the hundredth part of what belongs to them! Charity which degrades him who gives more than him who takes; charity which treads the downtrodden still deeper in the dust, which demands that the degraded, the pariah cast out by society, shall first surrender the last that remains to him, his very claim to manhood, shall first beg for mercy before your mercy deigns to press, in the shape of an alms, the brand of degradation upon his brow.[8]

The Marxist ethical claim, then, was that whereas philanthropy was complicit in the exploitation of the poor, it was only the revolutionary overthrow of the hypocritical bourgeois order and its displacement by the dictatorship of the proletariat that could make life dignified and free for the downtrodden.

During the second half of the nineteenth century the claims of revolutionary socialism and communism caught the attention of the youth and the intelligentsia. It wasn't long before governments in some industrial nations, often motivated by the desire to pre-empt violent revolution, began to legislate a slew of welfare reforms aimed at providing some measure of social security to vulnerable sections of their citizenry. The first to do so was the government of Otto Von Bismarck in Germany. In the 1880s, the government led by Bismarck introduced accident insurance and old-age pensions as well as a publicly funded healthcare system. This model of state intervention on behalf of the welfare of its citizens soon caught on and, as the decades went by, it became almost an axiom of democratic political thought that the state had a duty towards the economically vulnerable classes of society.[9]

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[8] Friedrich Engels, *Condition of the Working Class in England* (1845). Ch 13 as sourced from http://www.marxists.org/archive/marx/works/1845/condition-working-class/ch13htm accessed on 30 October 2013

Following the economic shocks of the Great Depression, the Roosevelt administration in the United States began a programme of massive public spending in order to jump-start the collapsed economy.[10] Roosevelt's 'New Deal' programmes became immensely popular amongst millions of people who were dispossessed by the hard blows of the depression and he was voted back to power for an unprecedented fourth successive term, making him one of the most popular politicians ever to rule that country. Roosevelt's gamble worked, thanks in large measure to the tremendous economic boost that the Second World War brought with it. The New Deal ideology was essentially a welfare state ideology. It set up an enormous social security system funded by taxpayer money. The state could thus claim to fulfil by proxy the comfortable citizen's moral duty of being his or her 'brother's keeper.' Successive administrations attempted to expand the safety nets of Social Security, culminating in the 'Great Society' legislations that Lyndon Johnson managed to get Congress to pass.

In India, the ideology of the welfare state informed the deliberations of the Constituent Assembly as it drew up the blueprint of the Indian republic. By incorporating a fairly elaborate section on the 'Directive Principles of State policy,' the Constitution makers were calling upon governments at both the centre and the states to begin the task of building, in stages, a viable welfare state. Coupled with this was the constitutional directive to set up affirmative action programmes for entire classes of the downtrodden (Scheduled Castes), who, by virtue of birth into their caste, were victims of grievous historical injustices. The aim was to make possible not just freedom from exploitation and humiliation but also equality of educational and economic opportunity to members of such groups. Politics in the early days of the republic revolved around the ideology of economic development along socialist lines, with the 'commanding heights of the economy' (Nehru's phrase) under public ownership and 'reservations' in educational institutions and in government sector jobs for the scheduled castes and other downtrodden, known today as the Dalits. It was hoped that this model of development, given enough time to work, would lift millions out of poverty and create security and well-being for the disadvantaged masses.

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[9] Kenneth Barkin, "Bismarck," *The Encyclopedia Britannica: Macropedia*, 15th ed., 2007.

[10] Joseph A. McCartin, "The New Deal Era," *Oxford Companion to United States History*, Paul S. Boyer, ed., New York: Oxford University Press, 2001, 546.

Meanwhile the USSR and China, role models for Indian socialist politicians and ideologues, were, by the 1950s, claiming to have realized the Marxian dream of the 'dictatorship of the proletariat' through their massively state-directed economies. Their mantra was centralized economic planning by the state. In the early days the results were spectacular. Almost every aspect of life – food, housing, education, employment, recreation, healthcare, consumer goods, etc. – was directly run by the state for the welfare of its citizens. Nevertheless, the great economic achievements came at an appalling human cost. In the USSR, millions of lives were lost as the Stalin regime forced collectivization of agriculture and displaced large populations in massive social engineering projects.[11] In China, initiatives ordered by Mao, such as 'The Great Leap Forward' and the 'Cultural Revolution' – both ostensibly aimed at enhancing public welfare – also turned out to be catastrophic, with a very high cost in human lives.[12] By the 1980s, the internal contradictions of such vast state-run command economies soon exposed their fragility. The Soviet system imploded in 1989 and the Chinese radically changed course economically, albeit not politically, by adopting the model of the free market.

Meanwhile, in the developed world, politicians committed to wooing their electorates with more and more welfare measures found themselves running out of popular support, at least in Britain and America. By 1980, people in these countries had voted into power political leaders (Margaret Thatcher and Ronald Reagan) who vowed to conquer inflation and create more real economic activities by actually cutting back on welfare spending. For ideological and intellectual validation of their policies, these leaders cited the discoveries of the 'Monetarist' economists like Hayek and Friedman, who argued on the basis of another paradigm of ethics – that of fiscal prudence and the work ethic (scripturally articulated in texts like the Book of Proverbs cited earlier in this article). Decades of welfare economics, they argued, had created large, inefficient public bureaucracies, caused populist politicians to promise fiscally unsupportable welfare benefits leading to oppressive increases in taxes for hard-working entrepreneurs, which, in turn acted as a disincentive to further entrepreneurial investments and thus to job creation. Add to this the reckless printing of paper money by governments to create funds in the face of loss of revenue from negative entrepreneurial growth and one gets inflation, which punishes the poor even further. The only way to climb out of this spiral, argued the Monetarists, was to re-incentivise entrepreneurship through tax cuts for businesses and cut back on bloated and inefficient government bureaucracies resulting from reckless and unsustainable welfare spending. The withdrawal of several easy freebies from the state would, they admitted, cause some misery initially, but, eventually these withdrawal symptoms would be overcome and, given time, businesses would bounce back and generate jobs and opportunities for all as the real economy would replace the illusory welfare paradise touted by populist politicians.[13]

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[11] Robert Conquest, *The Harvest of Sorrow*, New York: Oxford University Press, 1986, 299-307.

[12] Kenneth G. Lieberthal, "China," *The Encyclopedia Britannica: Macropedia*, 15th ed., 2007.

This was nothing short of a return to the paradigms of the classical economists like Adam Smith. The argument was that the unfettered pursuit of self-interest by the entrepreneurial class would create economic opportunities for all. Moreover, while economic inequality could not be eradicated, hardly anyone would be reduced to grinding poverty. For the deserving poor, it was argued, there was always philanthropy and even a modicum of support from the minimal state.

The steady growth of globalization in trade was soon to facilitate the spread of this 'Neoliberal' economic philosophy to other parts of the world, particularly to developing nations like India. Historically these nations had just emerged from the long era of colonial rule during which their local economies were completely disrupted by the Industrial Revolution and the manipulation of global commerce by the colonial powers. With their traditional labour-intensive industries destroyed by cheap imports of manufactured goods and their traditional, ecologically sustainable system of mixed farming replaced by plantations producing ever cheaper cash crops for western markets, these nations were at an economic disadvantage vis-à-vis the developed world. They were now in a world where the prices at which the developed nations sold manufactured goods to them and the prices at which the same developed nations bought minerals, plantation produce and textiles from them were both largely determined by the developed nations. Soon developing nations, notably India, through the pursuit of a largely socialist objective of import substitution in manufacturing began gaining some measure of self-sufficiency and bargaining power in international trade. By the early 1990s, however, many developing countries, including India, were experiencing slow economic growth and mounting public debt. By this time it was becoming difficult to generate the revenue needed to sustain ambitious state-directed development programmes aimed at raising the standard of living of all citizens.

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[13] Manfred B. Steger and Ravi K. Roy, *Neoliberalism: A Very Short Introduction*, Oxford: Oxford University Press, 2010, 15-45.

In India's case, the attempt to deliver on the constitutional promise of comprehensive welfare for all through economic development had led to the creation of a very large and largely inefficient bureaucracy. Widespread corruption, a lax work ethic, especially in public sector enterprises, an overemphasis on a discourse of rights and entitlements at the expense of an equally necessary discourse of duties, all contributed to the growing malaise of public indebtedness. Add to this a global trading system skewed in favour of the developed world and it is easy to see why India had not much choice but to seek funding from overseas institutional lenders like the International Monetary Fund. Development assistance from such agencies was conditional on the state agreeing to make massive cutbacks in its welfare schemes and to disinvest from the public sector industries it was running, including the ones that were doing well. This writer can recall the time in the late 1990s when at the behest of its chief creditors, the IMF/World Bank, the Government of Karnataka began phasing out its 'grant-in-aid' scheme in support of privately managed colleges catering to all sections of society, particularly the economically disadvantaged. The phrase bandied about at time was that higher education was not, in World Bank parlance, a 'merit good' and therefore not entitled to state subsidy.

The world over now this neoliberal paradigm is being imposed with the completely paradoxical result that recently (2008 onwards), when unethical business practices by big financial corporations caused a general economic collapse, the United States government used taxpayer generated public funds to bail out these failing corporations and banks in order to keep the markets afloat. Nevertheless, when President Obama attempted to push through a piece of legislation aimed at providing affordable health insurance for the most vulnerable sections of society, objections were raised in Congress about how unaffordable this was, given the debt-financed state of the public exchequer. Meanwhile the once robust social security system – hitherto the hope of single mothers, the aged, the disabled and the unemployed – has now shrunk significantly, putting at risk the future well-being of many ordinary citizens. Increasingly, states are being compelled to transfer pension funds to private investment firms whose promise of future security is subject to market risk. Some of these investment firms have turned out to be run by outright fraudsters like Bernie Madoff, whose firm declared bankruptcy in 2009, plunging into misery the thousands of people who had invested their hard-earned money into pension funds run by him.[14]

5. Social Justice: Theory and Practice

So, which one delivers a better hope for a just social order – the market or the state? In this context, we might do well to look at the issue from a philosophical vantage point. In 1971, John Rawls wrote his highly influential *A Theory of Justice*, in which he argued that mere economic inequality could not, *prima facie*, be deemed unjust; injustice begins only when the social system is so structured as to deny equal opportunities for all: "While the distribution of wealth and income need not be equal, it must be to everyone's advantage, and at the same time, positions of authority and offices of command must be accessible to all."[15] However, this, the 'second principle' of justice, cannot, according to Rawls, be allowed to compromise what he presents as the 'first principle': "Each person is to have an equal right to the most extensive basic liberty compatible with a similar liberty for others."[16]

While Rawls's paradigm appears simply and elegantly phrased, it opens up a cascade of paradoxical reflections and he spends the rest of his voluminous treatise teasing out all its complex nuances and ramifications. When applied to societies like India's, with historically entrenched and discriminatory social hierarchies, the realization of the second principle often calls for a strong and assertive state, determined to create a level playing field in the interest of social equity. However, such a strong state is then highly likely to compromise on the first principle, that of upholding the liberty of each individual citizen. A telling example of this took place in India, during the period 1975 to 1977, when state functionaries, using the special powers conferred on them by the Emergency, attempted to push forward an otherwise well-intended component of the welfare agenda (population control) through a campaign of forced sterilisation, thus committing a gross violation of basic human rights.[17]

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[14] *The Economist*, 18 December 2008, http://www.economist.com/node/12818310, <accessed on 15 October 2013>.

[15] John Rawls, *A Theory of Justice*, Cambridge, Mass: Harvard University Press, 1971, 60.

[16] John Rawls, *A Theory of Justice*, 60.

Amartya Sen points out the problems involved when the state, in the exercise of its well-intentioned welfare policies, ends up willy-nilly *deepening* entrenched social inequality owing to its insensitivity to the interplay between the factors of caste and class. He employs the metaphor of 'friendly fire' (a military term denoting the situation when soldiers accidentally fire on members of their own army) to delineate the ways in which government welfare programmes, if not sensitively handled, can, ironically, cause *more* deprivation instead of enhancing the welfare of the poorest segments of society.[18] Sen goes on to present a telling illustration of this in his discussion of the government's food policy. The Indian state's concern for the welfare of farmers leads to a policy of high support prices for procurement of grain from farmers. This helps stimulate an overall increase in food grain production which in turn leads to large buffer stocks in the government's storage facilities. This is hailed as great progress – and rightly so – for a nation that in the not too distant past had frequently been dependent on foreign aid every time the monsoons failed. However, once the large bureaucratic machinery directing this process is set in motion, it rolls on without regard to the complexities of the realities on the ground, leading to an inordinate emphasis on storage. The result is the painful irony of large buffer stocks rotting in state-run warehouses while hundreds of thousands become victims of starvation and malnutrition. Sen's analysis of this blatant contradiction is quite insightful:

> The counterintuitiveness – not to mention the inequity – of the history of this development is so gross that it is hard to explain it by the presumption of mere insensitivity – it looks more and more like insanity. What could be the perceived rationale for all this? What could explain the simultaneous presence of the worst undernourishment and the largest unused food stocks in the world

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[17] *Times of India*, Dec 29, 2010, http://articles.timesofindia.indiatimes.com/2010-12-29/india/28661327_1_slum-clearance-sanjay-gandhisterilization, <accessed on Oct 30, 2013>.

[18] Amartya Sen, *The Argumentative Indian*, New Delhi: Penguin, 2005, 206.

> (with the stocks being constantly augmented at extremely heavy cost)?
>
> The immediate explanation is not hard to find. The accumulation of stocks results from the government's commitment to high minimum support prices for food grain – for wheat and rice in particular. But a regime of high prices in general (despite a gap between procurement prices and consumers' retail prices) both expands procurement and depresses demand. The bonanza for food producers and sellers is matched by privation of food consumers. Since the biological need for food is not the same as the economic entitlement to food (what people can afford to buy given their economic circumstances and the prices), the large stocks procured are hard to get rid of, despite rampant undernourishment across the country. The very price system that generated a massive supply kept the hands – and the mouths – of the poorer consumers away from food.[19]

Amartya Sen points to a further irony that involves the subsidy side of the equation. In trying to make food prices affordable to the poorest, the government introduces a subsidy. But this does not result in any significant decrease in the price at which the poor buy food because much of the subsidy ends up paying for "the cost of *maintaining* a massively large stock of food grain, with a mammoth and unwieldy food administration (including the Food Corporation of India)."[20] This huge bureaucratic edifice, set up with the express intention of enhancing the well-being of the poorest, is in reality unresponsive to the exigencies in which the poor find themselves. It is thus tantamount to the denial of what John Rawls calls his second principle of justice, insofar as such a bureaucratic structure denies access to redress for the aggrieved segments of society. In this particular case, as Sen sees the problem, the political process, for all its declarations of fidelity to constitutional directives, is actually travelling in a direction that is subversive of democracy owing to the disproportionate influence of farm lobbies representing large and medium scale farmers. Sen concludes: "It is said that a little knowledge is a dangerous thing. So, unfortunately is a little bit of equity when its championing coincides with massive injustice to vast numbers of people. It is, again, a case of 'friendly fire,' even though the involvement of rich farmers' pressure groups thickens the plot."[21] For all his criticism of the state for its failure to ensure fair and equitable distribution of the basic necessities of life, Sen, nevertheless, steers clear of the neoliberal demand for a minimalist state. All he calls for is for a more sensitive framing of policy with a view to favouring the truly indigent sections of society.

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[19] Amartya Sen, *The Argumentative Indian*, 213-214.

[20] Amartya Sen, *The Argumentative Indian*, 214.

Even a thinker as committed to libertarianism as John Rawls concedes the need for state intervention in the face of glaring social inequality, as is inevitable if his second principle of justice is to be realized. He invokes a form of social contract theory to delineate the imperatives that must necessarily flow from a commitment to the promotion of the public good that all rational citizens (standing in a hypothetical 'original position') can be expected to make:

> Assuming that the public good is to everyone's advantage, and one that all would agree to arrange for, the use of coercion is perfectly rational from each man's point of view. Many of the traditional activities of government, insofar as they can be justified, can be accounted for in this way... The characteristic features of essential public goods necessitate collective agreements, and firm assurance must be given to all that they will be honoured.[22]

In India's case, the politics and ethics of the welfare state inescapably revolve around the Directive Principles of the Constitution, which require the governments at the central, state and local levels to be committed to a range of publicly financed social welfare programs. The process of centralized economic planning has indeed helped build capacity and employability in sectors like agriculture and industry. In July 2013, the Planning Commission brought out a report that declared that there had been a significant decline in the poverty ratio for the nation as a whole across the decade ending in 2012.[23] While the economic indicators surveyed for the report do indicate an increase in purchasing power for millions of underprivileged people, the absolute numbers of those continuing in poverty are still quite substantial. For the luckless millions who belong to that category democratic political processes still hold some hope. And, every once in a while, as if in answer to their prayers, politicians, in their perennial quest for dependable vote banks, make wild promises of making available basic commodities at unbelievably low prices. As welfare measures these have temporary value and may well be defended by appeal to the Constitution's directives, but they are virtually impossible to sustain from a long-term fiscal standpoint and in the end the poor are left high and dry waiting for the next populist demagogue. It appears that the enormous structure (political, legal, and bureaucratic) set up to dispense welfare is itself so expensive to maintain that what trickles down to the intended beneficiaries is simply not adequate to lift them out of endemic poverty. There are simply too many 'transmission losses' at every stage of the journey of subsidy from New Delhi or the state capital to the lowest and the least in the smallest rural hamlet. According to political analyst Atul Kohli, the problem often lies at the local level:

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[21] Amartya Sen, *The Argumentative Indian*, 215.

[22] John Rawls, *A Theory of Justice*, 267-268.

[23] Press Note on Poverty - Estimates, 2011-12 Government of India, Planning Commission, July 2013, http://planningcommission.nic.in/news/pre_pov2307.pdf, <accessed on October 30, 2013>.

> India's local governments have generally been quite ineffective in pursuing either redistributive policies or poverty alleviation programmes. Of course, there has been some variation on this score, with some pockets of success, especially in states that have prioritized the welfare of the poor. On the whole, however, panchayats have not functioned very well because of the complicity of corrupt local politicians and bureaucrats on the one hand, and the powerful among the upper castes and classes in the village society on the other. A variety of distributive programmes sponsored in Delhi, or in state capitals, has thus failed to reach the intended beneficiaries.[24]

6. Conclusion

When faced with such seemingly intractable problems and gross miscarriages of redistributive justice, neoliberal critics of the welfare state cry foul, arguing that it is blatantly unethical for government to squander honest and hardworking taxpayers' money on wasteful schemes that primarily enrich already prosperous bureaucrats and unscrupulous middlemen. On a philosophical plane they seek to validate what could well be called the 'ethical egoism' articulated by thinkers like Adam Smith. They see themselves as psychological realists in that they perceive self-interest rather than altruism as the natural motivating factor for human action. In their view, the state should restrict its role to that of a ruthlessly neutral umpire of a free market that is run on the principle of a level playing field for all economic players. The free play of market forces, in a zone kept free from unfair trading practices through government regulation, will then usher in a socially just society, they argue.

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[24] Atul Kohli, "Politics and Redistribution," *Oxford Companion to Politics in India*, Jayal and Mehta, ed., New Delhi: Oxford University Press, 505.

It is clear then that the philosophical and ethical conundrums involved in the debate between proponents of the neoliberal free-market model and those who advocate the welfare state model cannot easily be resolved. Both sides claim that their ideology is grounded in the soil of social ethics. Both accuse the other of sacrificing long-term goals for short-term benefits. Going forward, it will become necessary for both sides to engage in constructive dialogue with a view to benefiting ordinary people. Those who have known no other system save socialism will do well to realistically assess the limitations of a system that can produce both good and bad results – welfare for the deserving poor as well as bloated, corrupt and inefficient bureaucracies, too costly to maintain by the hard-working and enterprising sections of the tax-paying citizenry. Diehard votaries of neoliberal ideologies must, for their part, be able to realize that while the free market is a great discipliner and curtailer of fiscal irresponsibility, it can also be soulless and indifferent to real human suffering.

Whatever the philosophical implications of this dilemma, ordinary citizens from their street-level vantage point glimpse not just the exchange of accusations between the political class and the business class but also the numerous sordid cases of collusion between them to the detriment of the common good. All they can do, every once in a while, is to dare to ask, like Oliver Twist, for more of what is truly good for all.

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GENDER POLITICS AND QUOTA FOR WOMEN IN INDIA

Davis Panadan◆

Abstract: Women's numbers in formal decision-making bodies have not increased over the years in India. The statistical records show that there has been only a marginal increase in the last few decades in the number of women candidates fielded during the elections. Women's enhanced participation in governance structures is viewed as the key to redress gender politics and inequalities in societies, especially in India. The main premise of this study is that the quota for women in the Panchayati Raj Institutions (PRI) in India strengthens the political empowerment of women, transforms the democracy and provides an answer to gender politics in India. It is widely recognised that reservation of seats for women in the local bodies and women's proactive participation on a large scale in the management of the local affairs in the villages has enhanced their status and rights. Thus reservation for women in PRI contributes to the process and project of women's empowerment.

Key Terms: Gender Politics, Quota for Women, Panchayati Raj Institutions, Women Empowerment, Democracy, Reservation, Gender Justice, 73-74 Constitutional Amendment Act, Critical Mass, Patriarchy.

1. Introduction

Empowerment of women in the society is a myth until they are conferred equality before law.[1] The foundation of freedom, justice and fraternity is based on the recognition of the inherent dignity and of equal and inalienable rights to all women of the society. The Universal Declaration of Human Rights in Article 2 affirms that "everyone is entitled to all the rights and freedoms set forth in this declaration without distinction of any

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[1] R. C. Kessler and J. D. McLeod, "Sex Differences in Vulnerability to Undesirable Life Events," *American Sociological Review*, 49, 5 (1984), 620-631, 612.

© 2013 *Journal of Dharma: Dharmaram Journal of Religions and Philosophies* (Dharmaram Vidya Kshetram, Bangalore), ISSN: 0253-7222

kind."[2] The Constitution of India is based on the principles of equality. It prohibits discrimination on the basis of religion, race, caste, sex and place of birth under Article 15. Though the constitution envisages political equality for men and women under Articles 325 and 326, women in India, by and large, have not benefited from this right.[3] The inadequate representation of women in decision-making bodies is one of the major factors that have contributed to their low status in the society.[4]

The statistical records show that there has been only a marginal increase in the last few decades in the number of women candidates fielded during the elections in India. Women's participation in positions of power in both houses of the Parliament has never exceeded 15% of all seats. The exception has been the 1991-1996 elections wherein their representation was at 15.5%. The trend after has been one of decline stagnating at around 8 percent, indicating a continued marginalisation of women in these institutions.[5] At the State level, their membership in the legislatures in many States is lower than their percentage in the Parliament. The latest data from the States show that Delhi (12.86%) has the highest proportion of women members followed by Andhra Pradesh (9.52%) and Kerala (9.29%). Similarly, women in the decision-making bodies of the major political parties range from a mere 5.1 per cent in the CPI (M) to 12.5% in the BJP.[6]

2. Quota for Women in Panchayati Raj Institutions (PRI)

For political empowerment of women, women quota system in PRIs has been one of the pioneering approaches. This will enable women to participate in local governance and will lead to better public decisions which reflect local priorities. This in turn will lead to greater efficiency in public expenditures, improved governance, and greater equity in the democracy. The 73rd and 74th Constitutional Amendment Act 1992 has reserved thirty three percent of seats for women in Panchayats and Municipal bodies respectively. With these constitutional amendments, over three million women are now actively participating in shaping the policies and programs of the country, though only at the local levels of governance and not at the State and Central levels. These amendments have given women the authority to deliberate, debate and participate in the process of formulating policy and in the choice and implementation of development programs that impact people's daily lives.[7] The empowerment of women, through a well-devised system of reservation, has not only brought about a change in socio-political culture but has also led to a virtual transformation of the rural scene where people have increasingly become aware of their rights and have started demanding their share in power.

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[2] http://www.un.org/en/documents/udhr/, accessed on 24 September 2013.

[3] Neera Desai, "Indian March towards Equity: A Review of a Decade and half of Action and Policy on Women," *Janata: A Journal of Democratic Socialism* 45, 8 (1991), 9.

[4] George Mathew, *Status of Panchayati Raj in the States of India*, New Delhi: Institute of Social Sciences, 2005, 23.

[5] Desai, "Indian March towards Equity," 18.

[6] Desai, "Indian March towards Equity," 67.

Rural India has a total of 225,000 Gram Panchayats with a membership of 2,250,000 elected representatives. Of these, women constitute 950,000 or a third of the elected members. There are 150,000 scheduled caste and scheduled tribe members of which 50,000 are women. Of a total of 225,000 chairpersons, again one third of them or 75,000 are women in the year 2005.[8] In fact, in 2005, nine States have gone beyond the 33% reservation quota and four states have gone above 40% – Kerala 57.24%, Assam 50.38, Gujarat 49.30%., and Karnataka 43.6%. In 2011, 22 states have gone beyond their reserved quota. Currently, every five years, about 3.4 million representatives are elected by the people of whom one million are women. More than 60 city corporations, about 700 town municipalities, about 215 district panchayats, more than 2,330 block panchayats and about 10,010 gram panchayats, have women chairpersons.[9] A large number of hitherto socially excluded groups and communities like the tribals and dalits are now included in these decision-making bodies. A space has been created for Indian women to emerge as a formidable force to fight for social justice and human rights.[10]

This is a significant step towards achieving the constitutional goal of equality by making democracy more vibrant. Women's enhanced participation in governance is viewed as the key to redress gender politics and inequalities in societies, especially in India. The main premise of this research is that the quota for women in the political institutions strengthens the political empowerment of women and transforms the democracy in India. An affirmative state initiative is necessary to facilitate and enable women to participate at these levels of political action.

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[7] E. K. Santha, *Political Participation in Panchayati Raj: Haryana, Kerela and Tamil Nadu*, New Delhi: Institute of Social Sciences, 2004, 37.

[8] George Mathew, *Status of Panchayati Raj in the States of India*, New Delhi: Institute of Social Sciences, 2011, 20.

[9] Nirmala Buch, *Women's Experiences in New Panchayats: The Emerging Leadership of Rural Women*, New Delhi: CWDS, 2000, 235-252.

[10] Jill M. Bystydzienski, *Women Transforming Politics: Worldwide Strategies for Empowerment*, Bloomington: Indiana University Press, 1992, 45.

3. The Meaning of Political Empowerment and Democracy

The involvement of women in the political arena and in decision-making roles is an important tool for empowerment as well as monitoring standards of political performance in a democracy. World Bank describes empowerment as the process of increasing the capacity of individuals or groups to make choices and to transform those choices into desired actions and outcomes. It is the process of transferring decision-making power from influential sectors to poor communities and individuals who have traditionally have been excluded from it.[11]

Political empowerment can be understood as a multidimensional social process by which people without means of self protection or control over changes affecting their lives, equip themselves with knowledge, skills and resources which increase their capacity to make choices and to transform those choices into desired actions and outcomes which in turn enables them to participate in, negotiate with, influence, control, and hold accountable institutions that affect their lives. In its broadest sense, empowerment is the expansion of freedom of choice and action. Political empowerment shows in the capacity to analyse, organise and mobilise.[12] It is a process that fosters power in people, for use in their own lives, their communities, and in their society, by acting on issues that they define as important.[13] This results in collective action which is needed for collective change; a process for ensuring equity, equality and gender justice in all of the critical areas of the lives of women, especially of political arena.[14]

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[11] Alsop Ruth et al., "Inclusion and Local Elected Governments: The Panchayati Raj System in India" Social Development Paper 37, *World Bank, South Asia Region, Social Development Unit*, http://go.worldbank.org/S9B3DNEZ00, accessed on August 15, 2013.

[12] Nanette Page and Cheryl E. Czuba, "Empowerment: What Is It?" *Journal of Extension* 35 (2002), 57.

[13] Page and Czuba, "Empowerment: What Is It?" 57-59.

[14] Oxaal Zoe and Baden Sally, *Gender and Empowerment: Definitions, Approaches and Implications for Policy*, Sussex: Institute of Development Studies, 1997, 123.

4. Political Women Empowerment

The institutions of family, religion, education, media, law, etc. have sometimes negatively impacted on the condition and position of women and different degrees of power are being sustained and perpetuated through these institutions.[15] The power and control exercised over women for a prolonged period of time has placed them at the lowest stratum of society. This was established by patriarchy which stresses the prevalence of unequal power equation between men and women. Patriarchy has been prevalent though several theories disprove that there is a natural justification for patriarchy based on biological differences between men and women. This discrimination ultimately gets reflected in the Human Development Index where one-half of the human beings have failed to make progress in the ladder of development.[16] When looking into the corrective measures, suggestions came in the form of empowerment process of women, by which women gain greater control over material and intellectual resources and challenge the ideology of patriarchy and the gender-based discrimination in all the institutions and structures of society.[17] For the realisation of women empowerment, organising and acknowledging them as a political force is a primary requirement.

In the Indian context, this has been implemented through the 73rd and 74th Constitutional Amendment Act with which women are enabled to represent not only the problems of women but also the society at large. Generally women's perspectives are significantly different from men's as they are more associated with 'welfare and protective' activities. If these activities are intertwined with political power, the result would be potentially remarkable. The space created for women in governance is expected to bring such a conspicuous change.

The need for women's presence in politics should not be judged merely in terms of equity, i.e., giving reservation. Rather the process should enable women to participate effectively for more socially responsive governance. But this is not going to be an easy task since this process strikes at the root of existing power relations.[18] The existing power structure in the form of patriarchy, ideology and other institutions would show stiff resistance to change. With this backdrop, the present study analyses the position of women in governance, the problems they encounter and their performance in village panchayats in India.

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[15] Jill M. Bystydzienski, *Women Transforming Politics*, 45.

[16] Tony Addison, *Development Policy: An Introduction for Students*, New York: United Nations University Press, 2004, 9.

[17] Usha Ranee Choudhury, "Political Awareness and Women's Participation in Politics," *Gender Perspective: Participation, Empowerment and Development*, ed., Anil Dutta Mishra, New Delhi: Radha Publications,1999, 131-139

Women are brought forward into the local political arena through the method of reservation of seats and they form 'critical mass'[19] which ought to result in governance more responsive to women. Even though the process of women empowerment is ongoing, this space for women in politics has become an important area of analysis, because the socialization process has created differences between men and women and has placed men at the top of the hierarchy, who would not allow women to exercise their political power. Women's perceptions are moulded with the ideology which they imbibed from the socialization process and there are external factors which try to bridle women by domination and restriction. The conundrum faced by women in this transmission process can be broadly classified under three heads, viz., ideological level, pragmatic level and domain level.[20]

At the ideological level, for a long period, women have been subordinated to uphold male power and this is deeply embedded in the consciousness of women. Ideology is a complex structure of beliefs, values, attitudes, and ways of perceiving and analysing social reality – virtually, ways of thinking and perceiving.[21] Even though the objectives and policies of the state may be superficially egalitarian, the ideology has an upper hand in performing its task of sustaining unequal power structure. This can be challenged by the collective force where marginalized sections of society raise their voice and make themselves sources of social power.

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[18] Vasanthi Raman, "The Implementation of Quotas for Women: The Indian Experience," *Quota Workshops Report Series No. 1*, Stockholm: International Institute for Democracy and Electoral Assistance, 2002, 22-31.

[19] Dahlerup Drude, "Using Quotas to Increase Women's Political Representation," <http://www.idea.int/publications/wip/upload/3_Dahlerup.pdf>, accessed on 30 August 2013.

[20] Kumud Sharma, "Power and Representation: Reservation for Women in India," *Asian Journal of Women's Studies*, 6,1 (2000), 74.

[21] George Mathew, "Panchayati Raj Institutions and Human Rights in India," *International Council in Human Rights Policy*, 2002, <http://www.ichpr.org/paper_files/116_w_04.doc>, accessed on 30 August 2013.

The 'critical mass' of women has to perform 'critical action' to shake the basic source of dominance against them.

When women in power deal with their proceedings, repression of patriarchy takes its own course in the form of domination, oppression, character assassination, agitation and all other activities which rapidly subjugate women. Men in the fear of losing their traditional power and control over women react sharply against women in power. They may not be ready to free themselves from their role as oppressors and exploiters, and through various ways and means try to re-establish their power and strike women hard, trying to shackle them with psychological blows (where women are vulnerable mainly due to their socialization process).[22] Therefore, the process of women empowerment should co-opt men and make them realize that this process will relieve men from gender stereotyping. Changing gender relations will bring a fruitful result in the power-relations also. The burdens of male and female can get exchanged, leading to the insurance of using the power resources sanely and safely.[23]

At the domain level, the state is not women-friendly. This has been witnessed in many areas like framing legal framework, policies and programmes. These are mostly gender-neutral instead of gender-transformative and ameliorative. In the era of globalization, the state is dominated by market factors and everything is equated in terms of production and profit. In this milieu, women are worse affected. In many cases it is observed that when women show resistance, the legal framework fails to rescue them. The dominance shown by these factors ultimately affects the performance of women and the state fails to create conducive environment to empower them. This can be solved only by adopting a strategy by creating enabling conditions to change women's position. The collective voice from women will serve as a catalyst.[24]

In all these three dimensions, the power balance is tilted towards men; hence the notion of power has to be re-defined. On the whole, the process should enable women to challenge and change these three dimensions. Even though this is a multi-layered and a prolonged process, the presence of women in grassroot governance for more than half-a-decade proves their capacity so far. Their able leadership provided in terms of pro-poor, pro-nature, pro-community, pro-women, and pro-dalit activities is a great stimulant to the empowerment process of women.[25]

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[22] Stephen Castles, "Studying Social Transformation," *International Political Science Review* 10 (2001), 13-32.

[23] Raman, "The implementation of Quotas for Women," 22-32.

[24] Ruma Bannerjee, "Women in Panchayati Raj: A Study in West Bengal," Calcutta: Development Dialogues, 1995, 14.

Without considering the voices of women in governance, the concept of human development will be full of flaws. Therefore, the state has to create enabling conditions to change women's position; men should co-opt themselves in this process; and finally women have to bring a change at their ideological level to quicken the process further.

5. The Positive Impacts of Quota for Women in the PRI

Women being new to power are performing amazingly in spite of the problem posed to them by society. What they need is a helpful platform for their action. They consider the difficulties as an opportunity to show their ability but the hard fact is the mental trauma they undergo. Substantive measures should be taken in this regard by the civil society and the state. The major inferences drawn from cases which show the present condition and position of women in power are briefly explained and analysed below. These cases reflect their promising performance amidst the colossal problems.

Jesu Mary, the President of Michaelpattinam Panchayat of Ramanathapuram district is a lady with a strong determination; she first convinces her opponents to make her task easier.[26] There was no water source in the village and providing drinking water supply was the first priority in her village. With the help of Tamil Nadu Water and Drainage (TWAD) Board, she got her village included in the TWAD Board drinking water supply scheme. When she attended a training programme, she came to know of the importance of rainwater harvesting. With the help of SHGs, she installed the structures in all the 340 houses, but it took several months for the people to realize the importance of these structures. People started believing only when they saw the water level rising in their wells. In the whole state it was the first Panchayat to do rain water harvesting in all the houses in the Panchayat. This activity has credited her with the award by the World Bank and she was sent to Washington to receive the award.

Jesu Mary got five other Gram Panchayat women leaders interested in this work and then five other Panchayats also carried out this work because of her influence. Seeing this success, the Government of Tamil Nadu made it mandatory to install rain water-harvesting mechanism in all the buildings of Tamil Nadu. According to Jesu Mary for all her success, her opponents are responsible. Whenever she wants to introduce anything she discusses with them. She feels that critics are needed for a healthy democracy and critics' arguments will help the Panchayats to perfect the administration.[27]

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[25] Poornima Vyasulu Vinod, "Women in Panchayati Raj: Grassroots Democracy in India," *Experience from Malgudi*, Delhi: UNDP, 1999, 56.

[26] K. Bunagan et al., "The Quota System: Women's Boon or Bane?" in *Women around the World*, April 2000, www.cld.org/waw5.htm, accessed on 15 August 2013.

Fatima Bi head of Gram Panchayat of Kalva has won the United Nations Development Programme (UNDP) Race Against Poverty Award from the Asia-Pacific region for her remarkable work as village council leader. Inspired in her new role by the angry, social-justice seeking heroine in a highly popular Andhra Film, Fatima Bi began organizing women for developing the village.[28] Through her efforts and leadership the village has roads, school building and check dams. She initiated a Rs. 200,000 scheme to dig a five kilometre irrigation canal and clear about 200 hectares of fallow land for paddy cultivation. On Fatima's encouragement, the women began saving a small amount of money every month and within a year, 40 thrift groups with 300 women members had saved Rs. 200,000. Impressed by this, the UNDP granted Rs. 1.2 million as an interest free loan to the Village Development Organisation in Kalva. Managed by a committee of representatives of women's self help groups, the village organization has Rs. 2.0 million and loans granted by it have helped many families to start small rural enterprises. Once poor and backward Kalva now stands out as a well-to-do village with modern amenities in almost all the houses.

Rani Sathappan, the President of K. Rayavaram Gram Panchayat in Pudukkottai District, is in her second term.[29] Sections/groups in a village community had a clash due to difference of opinion, particularly in a case related to temple celebrations. Two different groups claimed that the 'Muthal Mariyathai' i.e., the first honours, had to be given to its leaders. This resulted in the discontinuance of temple celebration for a decade. The Panchayat Council decided to bring the two opposing parties to a peaceful solution. Rani took special interest and played a vital role in bringing about a settlement between those groups and, at last the temple 'Kumbabisekam' was performed successfully along with the festival celebrations.

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[27] M. Banerjee, "Women in Local Governance: Macro Myths, Micro Realities," *Social Change* 85 (1998), 87-100.

[28] Vinod, "Women in Panchayati Raj," 56.

[29] Buch, *Women and Panchayats*, 100.

During the initial period, her focus was on the provision of basic amenities to the villagers. In course of time she came to understand the problems of farmers. There were three ooranies and four kanmais in her Panchayat. Two kanmais belong to the PWD and two are under the Union Panchayat, when there was an encroachment on the inlet channel by an individual belonging to a nearby village. The Panchayat decided to deal with the issue carefully, otherwise there would be a clash between the two villages. Rani attended the monthly grievance day and brought the matter to the attention of the District Collector, who arranged for an inspection by the revenue officials. The revenue officials twisted the matter, and threatened that they would book the Panchayat President, if she did not obey the officials. She complained against the revenue officials. It is more than three years of struggle with the bureaucrats, but the encroachment is not yet removed. "Efforts will bring about change" is the slogan printed on her official letter pad.[30]

Another significant achievement is that she made her village plastic-free. Nearly ten animals died after swallowing polythene materials dumped in dustbins. Taking this tragedy to the Gram Sabha, she discussed this issue with the people. Having convinced the people she evolved the norm that no one should use plastic articles in the Panchayat area and that individuals who violated the rule would be penalized.

Bhavani Ilango, the President of Merpanaikadu Gram Panchayat, Pudukkottai district was totally opposed by a section of the men folk.[31] She was kidnapped by the opposition group from where she escaped. She decided to move closely with other women. She formed 23 Self Help Groups (SHGs). These SHGs helped the Panchayat in desilting a tank, which provided drinking water to the entire area. Valuing the work done by the women worth Rs. 60,000/-, the officials helped the Panchayat by laying a pipeline for the supply of drinking water. She is confident that the Panchayats, especially women-headed Panchayats, can achieve many more things if they get the support of other women. She felt that men have not changed their perception and attitude towards women even after seeing the transformation effected by the women leaders in Panchayats. They are to be conscientized on the concept of gender and its implications.

The firmness of these women shows that they are able leaders. Steps taken by Bhavani Ilango in spite of stiff resistance through male dominance, Pappa's affirmative action against the politicians and bureaucrats, and Rani's action against the usage of plastics are a few examples of their resoluteness. Women act as an agent of change and once decided they will achieve their desired result in spite of all the hurdles.[32] They are changing their position from (i) Subordination to resistance, (ii) Curbs to challenge, and (iii) Suppression to co-optation. Of course, this phase is going to be the toughest phase for the whole society and women in particular, but there is a hope that change in power relations will bring favourable situation for development.

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[30] Vinod, "Women in Panchayati Raj," 63.

[31] Banerjee, "Women in Local Governance," 91.

6. Change in the Women' Perception

Women have gained a sense of empowerment by asserting control over resources, officials and, most of all, by challenging men. It has also given many women a greater understanding of the workings of politics, in particular the importance of political parties. On the other hand, some women's involvement in PRI has helped them affirm their identity as women with particular and shared experiences. This self-perception arises from two sources: from women's own sense of their shared experience and from attitudes and imagery imposed on them by the men. It appears that gender can supersede class and party lines. Women have opened up the possibility for politics to have not only new faces but a new quality. Some of the ways in which women, through PRI, are changing governance are evident in the issues they choose to tackle; water, alcohol abuse, education, health and domestic violence. Women also express different values. Women value proximity, whether it is to a drinking water source, a fuel source, a crèche, a health centre, a court of justice or an office of administration. The enormous expansion of women's representation in decentralised government structures has highlighted the advantages of proximity, namely the redress of grievance and (most important of all) the ability to mobilise struggle at a local level where it is most meaningful. Thus women are helping to radicalize local government.

The self-confidence women gained through belonging to local organisations seems critical to enabling women to step out of unequal relationships.[33] This sense of freedom is even more profound when the group to which women belong is the PRI. This freedom is carried into the very activity of politics by these women. There is a visible difference, a sense of excitement, in the women of rural India.

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[32] Evelin Hust, "Political Representation and Empowerment: Women in the Institutions of Local Government in Orissa after the 73rd Amendment to the Indian Constitution," *Heidelberg Papers in South Asian and Comparative Politics*, http://www.sai.uni-heidelberg.de/SAPOL/HPSACP.htm Working Paper No. 6, August 2002, accessed on 20 August 2013.

On the other hand, some women's involvement in PRI has helped them affirm their identity as women with particular and shared experiences. A woman at a Panchayat meeting in Karnataka stated: "When we meet we work together as women, for our lobby. We don't take much notice of our party identities." Party politics, a necessary condition for classical democracy, is competitive, but the women bring a non-competitive or cooperative ethic as they are drawn to work together across party lines and seem to have similar interests. Gender can supersede class and party lines. Women have opened up the possibility for politics to have not only new faces but a new quality.

PRI has helped to change local government beyond simply increasing the numerical presence of women. Visible changes in the articulation of ideas and leadership qualities exhibited by this minority were noted in the survey between 1987, the first year, and 1990. Evidence from West Bengal and Rajasthan shows that when a woman is the chair of the local council, the percentage of village women attending the open Village Assemblies rises (in West Bengal from about 7 to 10%) This confirms the common observation that the presence of women in politics improves the rate of political participation of women in general.

7. The Arguments against the Reservation of Seats for Women in PRIs

Legal quotas to enhance women's representation, while increasingly common, are still highly controversial and heavily debated. Regardless of whether a person thinks that an equal representation of men and women is desirable, there are a number of arguments that speak against the introduction of legislated quotas for women's representation.

Some opponents to legislated quota claim that the women elected through quota are less competent than their male counterparts, and that the main reason for the low level of women candidates is that there are fewer competent potential women candidates.[34] Women are in this case are perceived to have been nominated only because of their gender; they are not perceived as being equally competent as their male counterparts.

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[33] Banerjee, "Women in Local Governance," 102.

[34] Bystydzienski, *Women Transforming Politics*, 46.

Women may therefore prefer to be elected without a quota.[35] Some argue that the basic freedom of choice of voters is taken away from voters if a certain number of seats in the legislature are reserved for women. Some argue that quota gives the erroneous idea that only women can represent women – while men can represent both men and women. This would work against women in gaining representation based on the political ideas they represent rather than on their gender. Legislated quota tends to benefit the wives, daughters, sisters, cousins, etc. of traditional male politicians, rather than women who have developed constituencies of their own.

Some argue that legal quotas are too difficult to pass and require a very strong majority in the legislature. From this point of view, legislated quotas would not work as a ground-breaking rule since a majority of both elected members and political party leadership must be committed to achieving gender equality already. Some argue that it is easier and just as effective to lobby for voluntary party quotas instead.[36] Some argue that legislated quotas place a ceiling on women's participation rather than a lower floor, and that this hinders women from achieving real parity. Some argue that reserved seats foster an environment where women compete against each other rather than working together to achieve more influence in politics.[37]

8. Conclusion

The state intervention in the form of reservation of seats for women through 73rd and 74th Amendment Act can indeed become a real source of power. But this political space is highly contested and men, the "previous stakeholders, may not easily accept the shift in power equations."[38] This is the beginning of a long process and collective action is necessary to quicken the process further. The power exercised by women should be meant for social, political, economic and cultural development.[39] Firstly, women have to articulate their oppression collectively since the critical mass has been evolved and it will be easier for them to raise their voice collectively. Secondly, in this process women should enter into collaborative action with other multi-lateral organizations, which work for the same cause. Finally, the critical action taken consciously by integrating the activity and strategy will show better results, which may help women to utilize the space for political participation effectively.[40]

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[35] Bystydzienski, *Women Transforming Politics*, 49.

[36] Leslie J. Calman, "Women and Movement in Politics in India," *Asian Survey*, 29, 10 (1989), 940-958, 940.

[37] Khullar, Mala, "Women's Caring in India: The Intersecting Public and Private Sphere," *Asian Journal of Women's Studies*, 5, 3 (1999), 60.

[38] Leslie J. Calman, "Women and Movement in Politics in India," *Asian Survey* 940 (1989), 940-958.

[39] Khullar, "Women's Caring in India," 64.

As Annie Marie Goetz, UNIFEM adviser on Governance, Peace and Security observed,

> Women's effectiveness at promoting women's rights once in public office, however, is dependent upon many other factors besides their numbers. Institutional changes are needed in civil society, the media, political parties, legislatures and the judicial system in order to support women's policy agendas and to make the transition from policy to practice.[41]

The responsibility to create supportive environment for gender equality and advancement of women as shared responsibility falls equally on the national and international communities. Along with implementing an action plan designed specifically to increase women's political empowerment, it is important to secure broad changes in the political system. This could be done through internal political party reforms to achieve higher levels of transparency, justice and gender equality. These broad movements towards greater democratization should also factor the importance of establishing real autonomy in the various political, legal, and social institutions. Let me propose some strategies:

1. The UN should develop a system of incentives for countries that work towards narrowing the gender gap in education, health and employment. Clear guidelines for modalities and implementation of affirmative measures that lead to empowering women and creating their ability to critically engage with the state and the society for a social change and gender equality should be developed.[42]

2. Without changing socio-cultural, political and economic structural barriers at the national and international levels, the goal of gender equality in politics and development will remain impossible to attain. Access to education, health and employment is directly linked with women's ability to create space for themselves in politics and development. Women's consciousness of their political rights is another critical element for women's individual and collective agency. Political consciousness through building transformative communities is the sustainable way to transform politics and development. A strong women's movement and civil society is another condition of enabling environment that can influence the direction of politics and development in favour of women.[43]

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[40] Bystydzienski, *Women Transforming Politics*, 58.

[41] Shantha Mohan, *Women in Politics and Decision-Making in the Late Twentieth Century: A United Nations Study*, Boston: Martinus Nijhoff Publishers, 1992, 70.

[42] Santha, *Political Participation in Panchayati Raj*, 37.

3. The rules and regulations of the electoral system as well as for candidacy should be clear and well articulated in the community, especially for women. Increasing the awareness and knowledge of women about electoral laws and changes in structure and process will enhance women's political participation.[44]

4. Whatever the electoral system, women should be prepared to be candidates. Women need to organize themselves within and outside of political parties. Continuous awareness-raising activities such as leadership training/seminars are necessary to develop women's skills and knowledge to prepare them for their political career.[45]

5. Strengthening networks continues to empathetically pressure various sectors. A resolute women's movement translates memberships into votes, which means major parties which are mostly male-dominated, will be moved to include women in their list of candidates.[46]

6. The number of men in strategic positions within the party is always higher than women. This means that men are always in the list of party candidates. Women should be allowed easy access to resources and accurate and up-to-date information which can act as inputs for making decisions and as evidence to push for gender-equal legislation.[47]

7. The government must take immediate action to ensure that the Women's Reservation Bill be passed immediately. It is for the women's movement to demonstrate their political responsibility, not merely through the politics of protests, but also through direct intervention in the tasks of governance. And this is not possible unless larger numbers of women are present in all these bodies to collectively engender politics.

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[43] D. Bandhyopadhyay, B. N. Yugandhar and A. Mukherjee, "Convergence of Programmes by Empowering SHGs and PRIs," *Economic and Political Weekly* 20 (1992), 25.

[44] Shantha Mohan et al., *Women and Political Participation in India: Baseline Report*, Malaysia: International Women's Rights Action Watch Asia Pacific, 2004, 332.

[45] Carole Pateman, *Participation and Democratic Theory*, New York: Cambridge at the University Press, 1970, 223.

[46] Datta Rekha, and Judith E. Kornberg, *Women in Developing Countries: Assessing Strategies for Empowerment*, London: Lynne Rienner Publishers, 2002, 123.

[47] Zoe Oxaal and Sally Baden, *Gender and Empowerment: Definitions, Approaches and Implications for Policy*, Sussex: Institute of Development Studies, 1997, 123, 155.

8. Certain electoral conditions do favour women's representation and can accelerate changes in the gender balance of legislatures. Local government, proportional representation systems, multimember districts and political quotas all provide favourable conditions for women's political empowerment.[48]

Democratic restoration meant growing political spaces for NGOs and people's organizations, but a new political mode and language could not be developed overnight. Women are especially equipped for the task of redefinition for their movements have critiqued society in whole and in part through the lens of gender. Having dwelt in the margins for so long, women are well placed to challenge the concept of power as 'power-over' or domination, contrasting it with an understanding of power as empowerment.[49] Women are also equipped for the task of developing, or transforming, political practice for their culturally ascribed role of reproduction has developed in them such skills as nurturing, healing, and negotiating. These human development skills are the currency of a transformative politics.[50]

It is perhaps here that the NGOs can step in as a major player. Although the NGOs are actively involved in the empowerment exercise, they ought to assume a more dominant position, given the crucial role they have to enact. They need to equip women with capacity and the confidence to empower and motivate them to enter the political domain, to facilitate horizontal and vertical interaction of women elected at different levels of governance to enable the sharing of experiences and building solidarity and networking and to conduct political education and political training for women to realise the power of their vote, the need to seek and be accountable and to gender stream the political agenda.

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[48] P. Norris and R. Inglehart, *Cultural Barriers to Women's Leadership: A Worldwide Comparison*, New Delhi: IPSA, 1999, 68.

[49] Kathleen Bratton, "Critical Mass Theory Revisited: The Behavior and Success of Token Women in State Legislatures," *Politics and Gender* 93 (2005), 97-125.

[50] Norris and Inglehart, *Cultural Barriers to Women's Leadership*, 75.

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POLITICS AND ETHICS OF RESERVATION IN INDIA

James Massey◆

Abstract: This paper is an attempt to give ethical reflections on the 'politics and ethics of reservation in India' viewed through the prism of liberation paradigm. The 'liberation perspective' is the perspective of 'various subaltern groups of India' who are the victims of caste based social order of our society. Their victimization on the basis of caste has been perpetuated by religion on the one hand, and implemented by various political powers at different stages of our history, on the other hand. The 'reservation' or reservation policies, meant for the benefit of the subalterns, has developed in the past under the same 'social order', and carried on today by those people or groups who wield political power. It is important therefore to understand religio-political equation behind this 'social order' that ultimately influences the reservation policies. This equation has been understood from the perspective of the 'subalterns,' particularly of Dalits. The special focus is laid on both the politic and ethics of 'reservation' with a reference to the 1950 Presidential Order and the Backward Classes Commissions

Key Terms: Ethics, Context, Liberation, Politics, Reservation, Dalit, Shudra, Adivasis, Caste, Constitution of India

1. Introduction

Ethics is a well established discipline as the science or study of human conduct, individual as well as corporate.[1] Soman Das while talking about 'Christian ethics in a context' relates it to *ethos* and adds, "Etymologically, ethics have the onerous task of unveiling or unmasking the real reality as against the apparent reality – *maya* – which so often

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[1] J. Russel Chandran, *Christian Ethics*, Delhi: ISPCK, 2011, 2.

© 2013 *Journal of Dharma: Dharmaram Journal of Religions and Philosophies* (Dharmaram Vidya Kshetram, Bangalore), ISSN: 0253-7222

deceives and distorts our judgment."[2] Hunter P. Marbry in his work *Christian Ethics: An Introductory Reader* deals in detail with the concept and models of ethical behaviour where he refers specially to 'liberation model' which has developed in recent years, particularly in the developing world. According to him the roots of 'liberation model' can be seen historically in the struggles of the oppressed people who wanted to be free from dependence and exploitation. Marbry emphasizes that "the historical and temporal as the reason for the struggle of the oppressed and for those who want to struggle with them." It should be taken seriously because in their struggle they are seeking: "(1) a radical break with an unjust social order, and (2) realization of salvation as a qualitative and not merely a quantitative dimension of life." He elaborates it further by saying "On one level this Liberation has to do with overcoming situations of economic, social and political conflict. But this is...only the first level. As a related level, oppressed persons are called not only to seek liberation from dependence but also assume responsibility for their own destiny, to struggle for a fuller life for all humanity, by helping to build a more just and salvific activity."[3]

So in this way 'the liberation model' becomes the concern of whole 'ethics' and it is in this perspective that this paper intends to deal with it. It is also the perspective of 'various subaltern groups of India' who are the victims of caste based social order of our society. Their victimization on the basis of caste has been perpetuated by religion on the one hand, and implemented by various political powers at different stages of our history, on the other hand. The 'reservation' or reservation policies, meant for the benefit of the subalterns, has developed in the past under the same 'social order,' and carried on today by those people or groups who wield political power. It is important therefore to understand religio-political equation behind this 'social order' that ultimately influences the reservation policies in India, before we discuss the politics and ethics of reservation. In this paper attempt is being made to analyze this equation from the perspective of the 'subalterns,' particularly of Dalits and other Backward classes.

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[2] Soman Das, *Christian Ethics and Indian Ethos*, Delhi: ISPCK, 2009, xi.

[3] Hunter P. Marbry, *Christian Ethics: An Introductory Reader*, Delhi: ISPCK, 2007, 18-19.

2. Caste-Based Ethics and Politics

The Rigveda is supposed to be the oldest literary source available to us that refers to the origin of four castes in its famous *Purusasukta* hymn. According to this hymn "The *Brahman* was his mouth; of both his arms was the *Rajanya* (*Ksatriya*) made; His thighs became the *vaishya*; from his feet the *Sudra* was produced."[4]

There are references and testimonies in the text of the *Upanishads* as well that reveal that by the time such texts came into existence, the issue of caste was getting entrenched in our society. For example, the *Chandogya Upanishad,* not only refers to the three upper castes, but also compares Chandala (outcaste) with a dog or a swine. The seventh verse in tenth *khanda* reads as follows:

> Accordingly, those who are of pleasant conduct here – the present is, indeed, that they will enter a pleasant womb, either the womb of Brahman, or the womb of a Ksatriya, or the womb of a Vaisya. But those who are of stinking conduct here – the prospect is, indeed, that they will enter a stinking womb – either the womb of dog, or the womb of a swine or the womb of an outcaste (*chandala*).[5]

This verse testifies not only to the existence of caste, but also makes no bones about the social status of the caste-groups as it exists in Indian society. By calling the 'womb' of an outcaste a 'stinking' one, and by clubbing it with the wombs of a dog or a swine, an obvious attempt is made to further degrade the social status of the outcastes. After placing Dalits on the lowest rung of the social order, they are now being told that their origin is utterly despicable. The verse also makes it clear that their present situation is because of their conduct in the previous birth.

Two great epics of our country, the *Ramayana* and the *Mahabarata*, reveal that the conditions of Sudra (Other Backward Classes) and Adivasi (Scheduled Tribes) deteriorated with the time. Scholars believe that the Ramayana was composed about fifth century BC[6] and the *Mahabharata* was composed later on, in different stages. According to a story in the *Ramayana*, a Sudra once undertook penance to attain divinity. In those days only three upper castes were permitted to do penance and meditation

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[4] Ralph T. H. Griffith, *The Hymns of the Rigveda*, Delhi: Motilal Banarsidass, 1986, 603.

[5] Hume, Robert Ernest, trans., *The Thirteen Principal Upanishads*, Oxford: Oxford University Press, 1971, 233.

[6] Zacharias, *An Outline of Hinduism*, Alwaye: Apostolic Seminary, 1956, 360.

(*tapas*) to seek salvation. As a consequence of disregarding this rule by the Sudra, a Brahman boy died. The bereaved father complained to Lord Rama, who immediately went to question the Sudra. On meeting him, Lord Rama asked him:

> You are indeed blessed. Tell me in which caste you have been born. I am Rama, son of Dasaratha. Out of curiosity I have asked you this question. Tell me the truth. Are you a Brahman, Ksatriya or a Sudra?
>
> The ascetic replied, "O King! I am born of Sudra caste. I want to attain divinity by such penance. And because I want to attain divinity, I won't tell lies. I am a Sudra by caste, and my name is Samvuka."
>
> As soon as the ascetic uttered these words, Rama drew forth his sword and severed Samvuka's head.[7]

Then Lord Rama asked gods to restore the life of the Brahmin boy to life; he was told by the happy gods that the boy was already revived the moment the Sudra ascetic was killed.

There is an episode that reveals the degraded state of Adivasi in the *Mahabharata* also. The story of Ekalavya, an indigenous boy, recounts how he had to lose his 'right hand thumb' only because in spite of his being an Adivasi he dared to learn archery and even outdid Arjuna in the skill. In the days of Mahabharata low castes and the Adivasis did not have the right to education or learn anything apart from their own occupation.[8]

Srimad Bhagavad Gita also not only authenticates the four castes (*chaturvarnyam*), but also tells that these had been created by Lord Krishna himself.[9] It also counsels the members of each caste to follow faithfully the duties prescribed for them on the basis of their caste.[10]

Among the literary sources that throw light on the further development of the caste and related problems is the *Manusmriti* (the ordinances of *Manu*, a handbook of life ethics), which was possibly composed during the period AD 1-700.[11] The author(s) of *Manusmriti* went a step further in defining the status of the outcastes in the society; they were now shorn of the human identity by the law makers. *Manusmriti* accepts only three castes – Brahmin, Ksatriya and Vaisya – as twice-born; Sudra, who belonged to the fourth caste, was supposed to have only one birth. *Manusmriti* also says that "there is no fifth (caste)."[12] To explain the existence of those who were not of the four castes, *Manusmriti* put forward the concept of 'mixed caste'. 'Mixed caste' included those who were born out of inter-caste marriages. There were two main divisions in this group. One was named *anuloma*, in which the male partner belonged to the upper caste and the female partner belonged to the lower caste; and the other was named *pratiloma,* in which it was the other way round. Both the groups were considered lowermost in the social scale.[13] *Manusmriti* in 10.51.52 narrates the degraded non-human state of these groups in the following words:

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[7] Sen Makhan Lal, trans., *Ramayana*, Calcutta: Rupa & Co., 1989, 699-702.

[8] Jayadyal Goyandaka, ed., *Snkhipat Mahabhrate* (Hindi), Gorakhpur: Gita Press, 69-72.

[9] Swami Vireawaranda, trans., *Srimad Bhagwad-Gita*, Madras: Sri Ramakrishna Math, 1987, 128.

[10] Swami, *Srimad Bhagwad-Gita*, 506-508.

[11] Bumell Arthur Coke, trans., *The Ordinances of Manu*, New Delhi: Oriental Books, 1971, XXIII. Also see Zacharias, *Outline of Hinduism*, 323.

> The dwelling of Chandalas and Cavpacas (spaka) (should be) outside the village; they should be deprived of dishes (*apapatra*) their property (should consist of) dogs and asses. Their clothes (should be) the garments of the dead, and their ornaments (should be) of iron, and their food (should be) in broken dishes; and they must constantly wander about.[14]

By the time *Manusmriti's* composition was complete (around AD 700), the caste system was fully established and had reached its climax and thereafter everyone had to follow the rule of life (life ethics) as his/her dharma or had to face punishment from the hands of the political power of the days like Samvuka and Ekalavya.

The tenets of *Manusmriti* prescribing strict social and religious discipline, governed the graded Indian society ever since. We have testimonies from later periods of Indian history that show how the influence of caste-system continued even during the Muslim period (AD 700-1700). One of the visitors to India, Al-Beruni, wrote about India of AD 1030. While mentioning the condition of outcastes in Indian society he said:

> The people called *Hadi*, *Doma* (Domba), *Chandala*, and *Badhatau* (*sic*) are not reckoned amongst any caste or guild. They are occupied with dirty work, like the cleaning of the villages and other services.

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[12] Coke, trans., *Ordinances of Manu*, 305.

[13] See for discussion on *Anuloma* and *Pratiloma*, Srivastava, Suresh Narain, *Harijans in Indian Society*, Lucknow: Upper India Publishing House, 1980, 25-28.

[14] Bumell, *Ordinances of Manu*, 312.

> They are considered like one sole class, and distinguished only by their occupations. In fact, they are considered like illegitimate children; for according to general opinion they descended from a Sudra father and a Brahmin mother as the children of fornication; therefore they are degraded outcastes.[15]

3. Politics of Reservation and Presidential Order 1950

During the British period of Indian history, as far as the Indian religious and social practices were concerned, the British maintained the status quo and followed a policy of non-interference. In one of their orders it was declared that "due regard may be had to the civil and religious usages of the natives…"[16] As a result they actively upheld and supported the caste order. Their support of the caste order was to such an extent that "even the protection of caste was decreed (by them) by an Act of Parliament."[17]

However, the work of Christian missionaries influenced the socio-religious situation in India in many ways, particularly in challenging the various religious traditions to evaluate and rethink their approach to the poor and various Dalit groups.[18] But as far as the caste was concerned, the missionaries also upheld the established norm. They even accepted it in the Christian Church.[19] In such a scenario when both the British rulers and the Christian missionaries chose to accept the caste fetters, Dalits could have expected very little from them by way of help.

There was, however, one positive note. During the British period a number of movements were initiated which showed concern for Dalits. There had been tradition of such movements in India since Buddha and Mahavir. Even during Muslim period, the *Bhakti* Movement helped the cause of the Dalits, particularly in the spiritual sphere. This happened mostly through the *Bhakti* saints, who were either non-Brahmans or

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[15] Al-Beruni, *India* (abridged edition of Dr. Edward C. Sachan's English Translation and edited by Qeyamuddin Ahmed), New Delhi: National Book Trust, 1988, 46.

[16] Marc Galanter, *Competing Equalities in Law and the Backward Classes in Media*, Delhi: Oxford University Press, 1984, 19.

[17] John William Kay, *Christianity in India*, London: Smith, Elder & Co., 1859, 375.

[18] See for a detailed discussion, *Religion and Society* 36, 4 (December 1989), 26-28.

[19] Kay, *Christianity in India*, 30-33, 352-353.

Dalits.[20] The efforts made by the movements during the British period were different in nature. These movements focused on social reforms rather than at total change.[21] The reformists who led these movements were Jotiba Phule, Ambedkar and Gandhi.

The reform movements and several actions initiated by Christian missionaries[22] to improve the condition of Dalits and other subaltern groups ultimately influenced the British Government also to do something in this regard. During this period new titles and phrases were coined to identify Dalits which ultimately led to the policy of reservation. For the first time the existence of the 'Depressed classes' was recognized in the text of the Act of 1919.[23] In 1931, the Census Superintendent of Assam made a suggestion to change the title 'Depressed classes' to 'Exterior Castes.' The argument for this suggestion was that it is a broader title and its connotation does not limit itself to outcaste people only. By 'outcaste' we refer to those people who are outside the caste system, while by 'Exterior Castes' we would also include those who had been outcastes because of some breach of caste rules.[24] However, till 1932 the term 'Depressed classes' continued to be used more or less for all kinds of 'depressed' people, including the 'untouchables.' No effort was made to define this term on the basis of any religion. It was in 1932 that for the first time the term 'Depressed Classes' came to be used only for the people who were untouchables. The British Government, which was at that time also trying to help all other minor communities such as Muslims, Christians, Anglo-Indians, and so on, excluded them from the ambit of 'Depressed Classes', and bestowed on them special benefits, such as giving them separate communal electorates. Earlier, in 1931 a special committee was also set up to draw a 'Schedule' of the castes and classes covered under the 'Depressed Classes.' In 1935 when the British government appointed Simon Commission the term 'Scheduled Castes' replaced the ‘Depressed classes’ after it was embodied in the Government of India Act, 1935, in Section 305.[25]

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[20] See for details, R. Sangeetha Rao, *Caste System in India*, New Delhi: India Publishers and Distributors, 1989, 106-116.

[21] Srivastava, *Harijans*, 247-43.

[22] See for summary of these movements and their work, Louise Ouwerkerk, *The Untouchables of India*, Oxford: Oxford University Press, 1945, 16-29.

[23] G. S. Lokhande, *Bhimrao Ramji Ambedhar*, New Delhi: Intellectual Publishing House, 1982, 181.

[24] J. H. Hutton, *Caste in India*, Cambridge: Cambridge University Press, 1946, 167.

At the Round Table Conference held in London in 1931, Ambedkar demanded a separate electorate for the ‘Depressed Classes,’ whom he always referred to as the ‘Untouchables.’ At this Conference, Ambedkar also proposed that the ‘Untouchables’ be called ‘Protestant Hindus’ or ‘Non-conformist Hindus.’[26] Gandhi objected to Ambedkar’s demand for a separate electorate. To counter Ambedkar, Gandhi had also introduced his favourite term ‘Harijan’ to be used in a place of ‘Untouchable.’ This term was not accepted or liked by the untouchables themselves.[27] As Gandhi and Ambedkar did not agree with each other at the Round Table Conference, no final decision was taken there.

Finally, the whole matter of a separate communal electorate was left to the Chairman of the Conference, Prime Minister Ramsay Macdonald, who in 1932 issued the Communal Award. In this Ramsay Macdonald also replaced the expression ‘Depressed Classes’ with ‘Scheduled Castes’. From then on the Untouchables of India were known as ‘Scheduled Castes’. Later the same expression was included in the Government of India (Scheduled Castes) Order, 1936.[28] Gandhi opposed this Communal Award because of the fear that by this the Schedule Castes would be separated from Hindu society at large.[29] Consequently, he went on a fast unto death. This was a precarious situation for which nobody was willing to take the responsibility. Even Ambedkar had to bow and agree to alter the Communal Award in a manner satisfactory to Gandhi.[30] An agreement was reached between them: in place of the ‘separate’ electorate, ‘joint’ electorate for the Scheduled Castes with the caste Hindu majority was accepted. This according to Upendra Baxi was a defeat for a political liberal Ambedkar by his shrewd opponent Gandhi. “Gandhi gambled on

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[25] G. S. Ghurye, *Caste and Race in India*, Bombay: Popular Prakashan, 1979, 306.

[26] Harold R. Isaacs, *India’s Ex-Untouchables*, Bombay: Asian Publishing House, 1965, 36.

[27] Isaacs, *India’s Ex-Untouchables*, 39-41.

[28] See for detail discussion, *Bulletin of the Christian Institute for Religious Studies* 20, 1 (January 1991), 3-6.

[29] *Bulletin of the Christian*, 66-67. Also see Louise, *The Untouchables*, 4.

[30] Upendra Baxi, “Political Justice, Legislative, Reservation for Scheduled Castes and Social Change,” Dr. Ambedkar Memorial Lectures, 1978, University of Madras, 9.

Ambedkar's self-restraint and won" says Baxi and "the costs of the victory would have to be recorded by the Untouchable historians of future India."[31] In this way one more chance of effective liberation and freedom was lost by the Dalits as well as by the other victims of the caste based social order. But Ambedkar at least got a larger number of seats for the Dalits which of course was an achievement.[32]

In the post-independent India the reservation policy continues to use the same vocabulary and expression for Dalits. To impress this point a well known document dealing with 'reservation' issue, the Constitution (Scheduled Castes) Order 1950 (also known as 1950 Presidential Order) is being referred here. Article 341 (1) of the Indian Constitution empowers the President of India "… by public notification, (to) specify the castes, races or tribes or parts or of groups within castes, races or tribes which shall, for the purpose of this Constitution, be deemed to be Scheduled Castes…"[33] The Constitution, without defining Article 366(24), only refers to the power given to the President of India in Article 341.[34] But once the President has given such an order, this list prepared on the basis of Article 342(2) for Scheduled Castes can be changed only through an Act of Parliament.

While exercising the powers conferred in Article 341(1) on him, the President of India promulgated an Order in 1950, known as The Constitution (Scheduled Castes) Order 1950. In drawing the list of the Scheduled Castes, this order almost re-enacted the list of the Government of India (Scheduled Castes) Order 1936,[35] which means that as far as identifying the Scheduled Caste people of India was concerned, the Constitution has followed the basis that was laid down by the British Government in 1936. This applies not only to the list, but also to the criterion, which the British Government had used to define the term 'Scheduled Caste.' In almost the similar manner the third paragraph of the Order 1950 reads: "Notwithstanding anything contained in paragraph 2, no person who professes a religion different from Hindu, shall be deemed to be a member of a Scheduled Caste." This paragraph was changed in 1956 by Parliament to "Hindu or Sikh;" and again by Parliament in May 1990, to "Hindu or Sikh or Buddhist." It clearly means that the position taken by the President and Parliament of India is the same as that of the British Government in 1932-36; both have used "religion" as the criterion to define the Scheduled Castes in the country. The right wing Hindu political party, Bharatiya Janata Party (BJP) has emphasized the correctness of this stand time and again. On June 12, 1990 at Thiruvananthapuram in South India for example, L. K. Advani, a senior leader of the BJP, had given a statement clarifying his party's stand on this issue. He said:

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[31] Baxi, "Political Justice," 9.

[32] Zelliot Eleanor, "The Psychological Dimension of the Buddhist Movement in India" in G. A. Oddie, ed., *Religion in South Asia-Religious Conversion and Revival Movements in South Asia in Medieval And Modern Times*, New Delhi: Manohar, 1991,188.

[33] *The Constitution of India*, 178.

[34] *The Constitution of India*, 203.

[35] See Galanter, *Competing Equalities*, 132.

> The BJP is stoutly opposed to any move by the V. P. Singh government to extend reservation to converts to Islam and Christianity from Scheduled Castes and Scheduled Tribes. It has supported the extension of reservation to SC/ST converts to Buddhism because under the Constitution Buddhists and Sikhs and Jains were classified as Hindus. Reservation to converts to other religions would violate the recommendation of the Constituent Assembly.[36]

This poses the basic contradiction before the Constitution of the country and those responsible for its implementation. The view expressed by Advani and decisions based on such views, not only violate the fundamental rights of the Indian citizens (as in Article 15.1), but also raise the question of human rights based on the principle of equality. The Presidential Order looks good on the surface from all aspects, but if one tries to analyse the spirit of this Order, one realizes how it could be used to aggravate Dalit problem by the powerful religious lobby. Ambedkar had assured that the Constitution of our country rightly maintained the spirit of secularism while guaranteeing full freedom of religion to every citizen (Articles 25, 26, 28, 30); it also forbade any kind of discrimination by the state on the basis of religion (Articles 15, 16, 29, 325). But then the Presidential Order 1950, by making selection on the basis of religion, had not only violated the spirit of the referred Articles of the Constitution, but had also literally gone against every word of those Articles. Interestingly to commit these constitutional violations, the Supreme Head of the country had been used.

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[36] *Indian Express*, New Delhi, 13 June 1990, 9, column 3.

The other fact which needs to be noted is that by adding the term 'Hindu' in the Presidential Order 1950 once again officially India as a nation has constitutionally upheld the system of caste (*varna*). In this way what Gandhi had won through his 'fast unto death' in 1932 has been affirmed in post-Independent India by those interested to carry on such a system through the Presidential Order.

4. Ethics of Reservation and Backward Classes Commissions

Marc Galanter helps us to understand the underlying values of various backward classes commissions especially the Mandal Commission Report (hereafter referred to as MCR) for reservation when he opens his work on *Competing Equalities: Law and the Backward Classes in India*, with these words:

> Indian system of preferential treatment for historically disadvantaged sections of the population is unprecedented in scope and extent. India embraced equality as a cardinal value against a background of elaborated, valued, and clearly perceived inequalities. Her constitutional policies to offset these proceeded from an awareness of the entrenched and cumulative nature of group inequalities. The result has been an array of programmes that I call collectively, a policy of compensatory discrimination.[37]

This statement of Galanter, is possibly the best summary of MC's efforts and even why MCR. According to it, MCR is part of 'an array of programmes' launched by the Union Government in order to uplift those people or citizens of India, who in the history of India, have been kept forcibly and systematically at a disadvantaged level. To deal with this historical evil, which is an ongoing reality in our society, independent India has accepted 'equality as a cardinal value' for all her citizens. This truth has been stated right in the preamble of our Constitution. Also Articles 15.1.3 and 16.1.3 offer 'equality' as a fundamental right for all citizens of India. But then in the same Article, clauses 15.4 and 16.4 make a special provision for the care of those citizens who are socially and educationally backward, along with Scheduled Castes and Scheduled Tribes. Article 38 under the directive Principles of State Policy makes it clear that it is the duty of the State to promote the welfare of the people by securing a just social order. In the same Article, in clause 2, it is also said that, "The State shall, in particular, strive to minimise inequalities in income, and endeavour to eliminate inequalities in status, facilities and opportunities..." The constitutional declaration under Article 38.1 also has an implied meaning that there was an unjust order in our country before the advent of the Constitution. Also our Constitution, through its Article 46 has put a responsibility on the State for the special care of weaker sections of the people in the areas of economic and educational interests and for their protection from social injustice and all forms of exploitation. Article 341 takes care of Scheduled Castes and Scheduled Tribes and Article 340 deals with the question of socially and educationally backward classes. It is Article 340 which gives power to the President to appoint a commission to investigate the conditions of the people of Backward Classes and also recommend steps, which can help to improve the conditions of these people.

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[37] Galanter, *Competing Equalities*, 1.

Under Article 340 of the Constitution, the first Backward Classes Commission was appointed by the President on 29 January 1953 with Kakasaheb Kalelkar as its Chairman. This commission submitted its report on 30 March 1955. As the task of the Commission included determining the criteria for identifying sections of the people who can be included in the list of Backward Classes, it was also supposed to suggest steps to improve their conditions. As for the criteria this Commission suggested 'caste', with which all the members of the Commission did not agree. At the same time the Central government also could not fully agree with this recommendation, so it came to the conclusion that an all India list of Backward Classes is not possible.

Ultimately the Central Government told the State governments, they can fix their own criteria for defining backwardness and can prepare a list of Backward Classes. As a result of which a number of states set up their state level commissions. All these states fixed their reservation quota for the Backward Classes between 66% (which is the highest by Karnataka) and 5% (which is the lowest by Punjab) in the government services, and in the educational institutions highest 68% in Karnataka and lowest 5% in Punjab.

The Second Backward Classes Commission, (known as Mandal Commission 1980) under the Chairmanship of the late B. P. Mandal, was officially appointed on January 1, 1979, and it report of the same was submitted on December 31, 1980. Besides presenting the report to the President, the Commission's main tasks included (1) to determine the criteria for defining the socially and educationally Backward Classes, (2) to recommend steps to be taken for the advancement for the socially and educationally Backward Classes of citizens so identified, and (3) to examine the desirability or otherwise of making provision for the reservation of appointments or posts in favour of such Backward Classes of citizens which are not adequately represented in public services, and posts in connection with the affairs of the Union or of any State.[38]

The Mandal Commission, before making its recommendations, has made a thorough analysis of the root causes of the backwardness of those sections of people whom it ultimately recommended to be included in the list. According to the Commission, the caste system is the root cause of all kinds of backwardness. Its effects have gone right into the being of the people: "The real triumph of the caste system lies not in upholding the supremacy of the Brahmin, but in conditioning the consciousness of the lower castes in accepting their inferior status in the ritual hierarchy as part of the natural order of things."[39]

In the Commission's view, the caste system is not merely a social phenomenon; it is a well-worked out scheme based on scripture, mythology, ritual, etc. According to the Report,

> The above scheme of social organisation, transfixed for over 3000 years, had far-reaching effects on the growth and development of various castes and communities. For instance, as exclusive custodians of higher knowledge, the Brahmins developed into a highly cultivated community with special flair for intellectual pursuits. On the other hand, the Shudras, being continuously subjected to all sorts of social, educational, cultural and economic deprivation, acquired all the unattractive traits of an unlettered rustic.[40]

The Commission's discussion on 'Social Dynamics of Caste,' makes clear: "that despite the resolve of our constitution-makers to establish a casteless society, the importance of caste has increased in some of the most important spheres of our national life."[41] The Commission has also recognised the weakening side of the caste system, particularly where the traditional features of the caste system are concerned.

> But what caste has lost on the ritual front, it has more than gained on the political front. This has led to some adjustments in the power equation between the high and low castes and thereby accentuated social tensions. Whether these tensions rent the social fabric or the

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[38] *Report of the Backward Classes Commission, Government of India*, 1980, vii.

[39] *Report of the Backward Classes*, 14.

[40] *Report of the Backward Classes*, 16.

[41] *Report of the Backward Classes*, 18.

> country is able to resolve them by internal adjustments will depend on how understandingly the ruling high castes handle the legitimate aspirations and demands of the historically suppressed and backward classes.[42]

According to MCR the caste system contains in it a very large element of inequality and discriminations.[43] The principle of equality is the factor, which the MCR has considered important for the understanding of the conditions of the people belonging to backward classes.

> On the face of it the principle of equality appears very just and fair, but it has a serious catch. It is a well-known dictum of social justice that there is equality only amongst equals. To treat unequals as equals is to perpetuate inequality.[44]

Here MCR has raised a vital question, which actually leads toward a contradiction of interests based upon fundamental rights, which are individualistic in nature, and the interests of society, which are given under Directive Principles of State Policy. Also MCR's overall concerns based upon Article 15.4 and 16.4 are also in direct conflict with the fundamental rights. But this conflict is there, or at least has been felt from the beginning, when Indian Constitution came into existence. MCR quotes from a debate which went on at the time of the First Amendment Bill in 1951, when Pandit Nehru highlighted this conflict in the following words:

> If in the protection of individual liberty, you protect also individual or group inequality, then you come into conflict with that Directive Principle which wants, according to your Constitution, a gradual advance or let us put it another way, not so gradual but more rapid advance, wherever possible, to a state where there is less inequality and more and more equality. If any kind of an appeal to individual liberty and freedom is to mean as an appeal to the continuation of the existing inequality, then you get into difficulties. Then you become static, the idea of an egalitarian society which I hope most of us aim at.[45]

Pandit Nehru's words on the said conflict can help the person, who is willing to see the positive side of the report.

Regarding the tests of a just and equitable order in a human society, MCR is clear that equality of opportunity and of treatment are not real tests, (About the first he says, "Equality of opportunity promised under Article 16(1) of the Constitution, is actually a liberation and not egalitarian principle as it allows the same freedom to everybody in the race of life."[46] About the second, MCR quotes from H. B. Gans, who says, "... equality of treatment suffers from the same drawback as equality of opportunity, for to treat the disadvantaged uniformly with the advantaged will only perpetuate their disadvantage."[47] MCR talks about the third test:

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[42] *Report of the Backward Classes*, 20.

[43] *Report of the Backward Classes*, 14.

[44] *Report of the Backward Classes*, 21.

[45] *Report of the Backward Classes*, 22.

> If a tree is to be judged by its fruits, equality of results is obviously the most reliable test of our aspiration and efforts to establish a just and equitable order. A formidable task under any circumstance, it becomes particularly so in a society which has remained segmented in finally graded caste hierarchy for centuries.[48]

About the questions of 'merit' and 'privilege,' the MCR makes a concluding remark in these words:

> In fact, what we call 'merit' in an elitist society is an amalgam of native endowments and environmental privileges... The conscience of a civilized society and the dictates of social justice demand that 'merit' and 'equality' are not turned into fetish and the element of privilege is duly recognised and discounted for when 'unequals' are made to run the same race.[49]

According to the MCR the institution of the caste contains in it a very large "element of inequality and discrimination."[50] The principle of equality is the factor which the Commission has considered important for the understanding of the condition of the people belonging to the backward classes. About this principle the Report says: "On the face of it the principle of equality appears very just and fair, but it has a serious catch. It is a well accepted dictum of social justice that there is equality only amongst equals. To treat unequals as equals is to perpetuate inequality."[51]

On 7 August 1990 when the former Prime Minister V. P. Singh announced the implementation of the Mandal Commission Report, it shook Indian society to its very foundation. The various assessments and views, both for and against, were pronounced and are being pronounced even today. The Indian Express (August 18, 1991) published two short articles under the title *Is Mandal Still a Burning Issue*? S. S. Gill wrote in favour of MCR saying "Mandalisation is basically a question of sharing power ..." while according to Hiranmay Karlekar "It was clearly a cynical political move..."[52] To some extent, both these writers are correct: 'sharing power' and 'a cynical political move' are in a way judgments upon those who try to implement the Mandal Commission with their own agenda before them. But as far as Dalits are concerned, MCR and its recommendations are really the culmination of the age old struggle of oppressed human beings, who for more than 3000 years have been losing. Brindavan Moses wrote on 15 September 1990 in the *Economic and Political Weekly* wrote:

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[46] *Report of the Backward Classes*, 22.

[47] H. J. Gans, *More Equality*, New York: Pantheon, 1973, quoted in *Report of the Backward Classes*, 22.

[48] *Report of the Backward Classes*, 22.

[49] *Report of the Backward Classes*, 23.

[50] *Report of the Backward Classes*,14.

[51] *Report of the Backward Classes*, 21.

> The extremely disturbing fact to be reckoned with in this context is that the upper and middle classes are not merely up in arms against the proposed reservations for the backward classes/castes in government jobs, but are also asserting their right to overlordship in perpetuity over those whom they treat with contempt as the incompetent and unqualified.[53]

5. Conclusion

While summing up the discussion it can be stated that in the history of our country the three forces of caste, politics and religion are not only closely associated with one another, but these even change location with one another as per the need and wishes of the dominant caste groups. In fact the dominant section of our society has ingeniously used these forces as tools to keep them in power and control. The meaning given to various expressions coined by the dominants, were/are invariably covered in a mask of 'truth' that always regulated the thought process of our society. So for centuries we believed in the divine origin of the caste system given in *Purushasukta* hymn of the Rigveda, and we accepted the symbolic use of 'pleasant womb' and 'stinking womb' and its association with the 'good' and 'bad' conduct of the members of the society. All this shows how religion was used initially to cleverly establish a lie so that a big section of credulous, gullible people could be subjugated to serve the dominants. It also speaks volumes of the ethical thinking of the so-called upper caste people who could, for their advantage, dehumanize this section to such an extent that they could compare the womb where those people took birth to the womb of a dog or a swine.

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[52] *Indian Express*, New Delhi, 18 August 1991, 8.

[53] Moses Brindavan C., "New Delhi's Elite's Battle for Status Quo" in *Defenders of Mandal Commission: A Collection of Articles, Views and News*, Madras: LEAS, 33-34.

In the next stage, after their lie was well established in the society, we see the interplay of politics in perpetuating that lie. So, Shudra boy was killed in the *Ramayana* for meditating and Eklavya was maimed in the Mahabharata for learning archery only to maintain the status quo in the society. In other words, those two children were harmed only to set an example so that no one dared to challenge the dominant section of the society. The mythical basis of caste division and the fact of dominance of the so-called higher caste in the society was formally authenticated by Lord Krishna in the *Gita*; its fundamental tenets were also finally given shape in *Manusmriti*. So, it was by such clever interplay of religion and politics that the caste system got firmly entrenched in Indian society.

The grip of supremacy of the so-called upper caste people was never loosened after that. Even the powerful invaders like Mughals and British, who ruled the country for well over one thousand years, accepted that social arrangement. Sporadic movements no doubt were organized off and on against it, but their focus was either on spiritual emancipation of Dalits (as in Bhakti movement) or on their social elevation (as thought of by Mahatma Phule or Gandhi). Except Ambedkar, however, no one seems to have struggled to strike at the roots of the system as such, though there winds of change unmistakably entering Indian society. The introduction of English education and science was slowly lifting the veil from the 'truth' of the origin of caste system. The egalitarian religion introduced by the Christian missionaries forced reformation in Hinduism. The British political rulers were also contemplating to offer reservation to both Dalits and religious minorities so that they could share power.

Ambedkar gave a positive shape and strength to the struggle of Dalits and other historical victims of caste-based social order as never before. He framed the Constitution for Independent India to usher in many reforms in our society. With Independence a dawn of new hope began. But as we have seen, here too the dominant group of the society tried to usurp the Constitution and manipulate it to their advantage by linking specially the provision of Dalit reservation with religion. This would provide them with the handle to keep Dalits from converting to Christianity or Islam, and continue to remain as the exploited lot of the society. In doing so, the dominants not only violate the principle of fundamental rights that is enshrined in our Constitution, but also act in utmost unethical manner by not allowing the downtrodden people to move ahead in life because that would take away the option of cheap labour from them. However, Dalit struggle continues in the post-independent India with special emphasis on their cultural, political and economic rights. Today the 'politics of number,' the issue of 'independent identity' and the policy of 'protective discrimination' are taking their struggle to fresh level.

It may be worthwhile here to refer to the views of Dr Ambedkar according to whom the spirit behind the Indian Constitution was to establish an 'ideal' or 'just society based upon the three universal principles, "liberty, equality and fraternity." He elaborated this by saying, "Justice is simply another name of these principles."[54] Ambedkar's 'just society', which he also called a 'democratic society,' involved two things: "The first is an attitude of mind, an attitude of respect and equality towards other fellow beings. The second is a social organization free from rigid social barriers."[55] At another place Ambedkar also warned that "those who continue to suffer from inequality in a society are sure to blow up (its) structure one day, if justice is not given to them."[56] In other words, what he wanted to emphasize was that there cannot be a 'peace without justice'.

Dalit struggle today under the guidance of the present social and political leaders has acquired a broader outlook. The goal of their struggle now is not the liberation of Dalit community only, but also the liberation of their oppressors. In this way they could become the instrument of establishing a 'just society' where all will live with fuller redeemed dignity and recovered humanity. What else can be a more ethical society?

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[54] B. R. Ambedkar, *Dr. Babasahab Ambedkar: Writings and Speeches*, vol. 3, compiled by Vasant Moon, Bombay: Education Department, Government of Maharashtra, 1989, 3-150.

[55] B. R. Ambedkar, "Ranade, Gandhi and Jinnah" in *Dr. Babasaheb Ambedkar: Writings and Speeches*, vol. 1, 222.

[56] *Constituent Assembly Debates*, Official Report, Book No. 5, Vol. XI, 14-11-1949 to 26-11-1949, New Delhi: Lok Sabha Scretariat, 1999, 979.

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